

CASE No.

398

NORTHERN DISTRICT

LLANO SECO GRANT

CHARLES J. BRENHAM et al

CLAIMANT

LAND CASE 398 ND

124 pgs.

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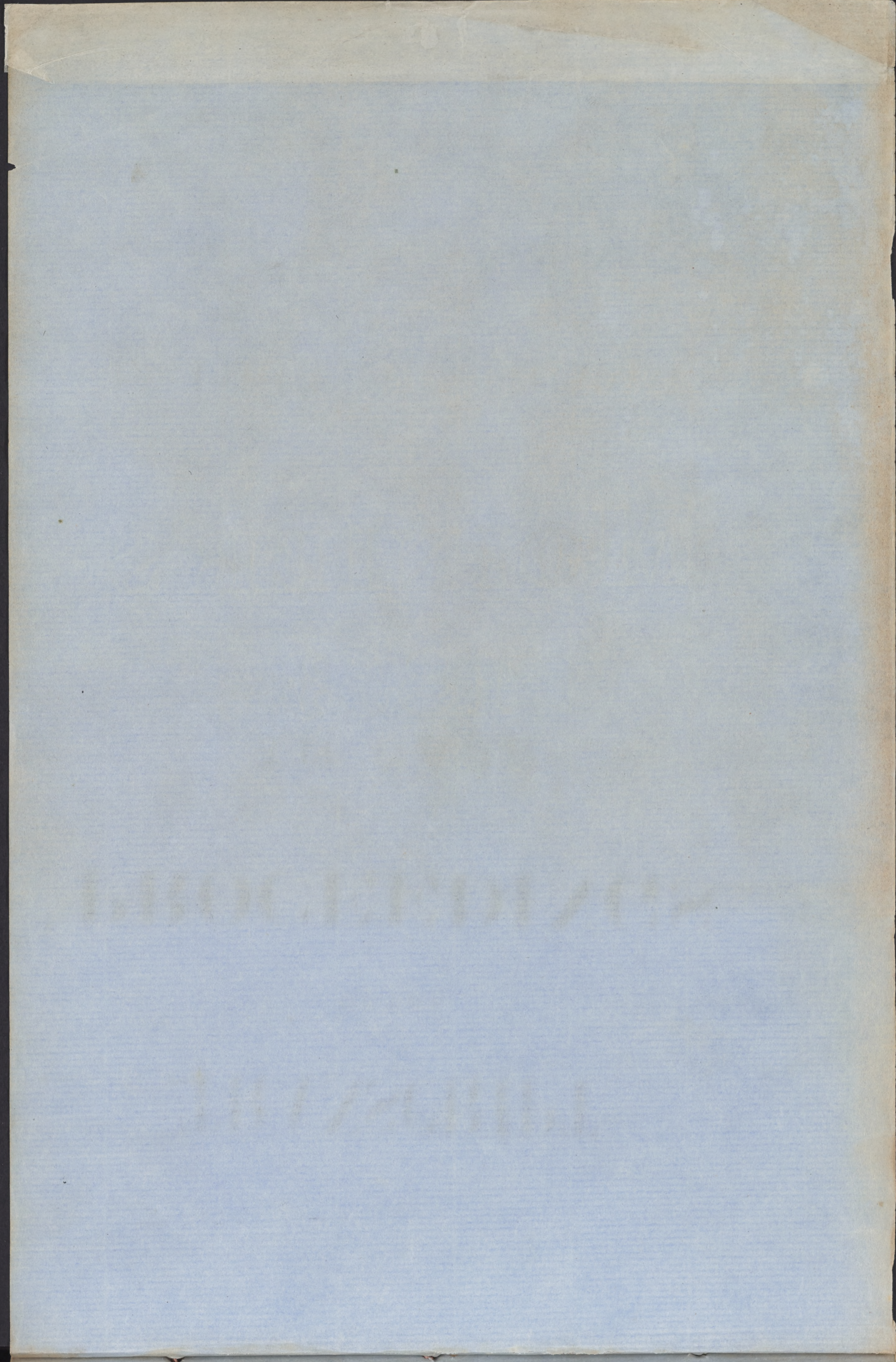
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289

1845

1845



TRANSCRIPT
OF THE
PROCEEDINGS

IN CASE

NO. 289.

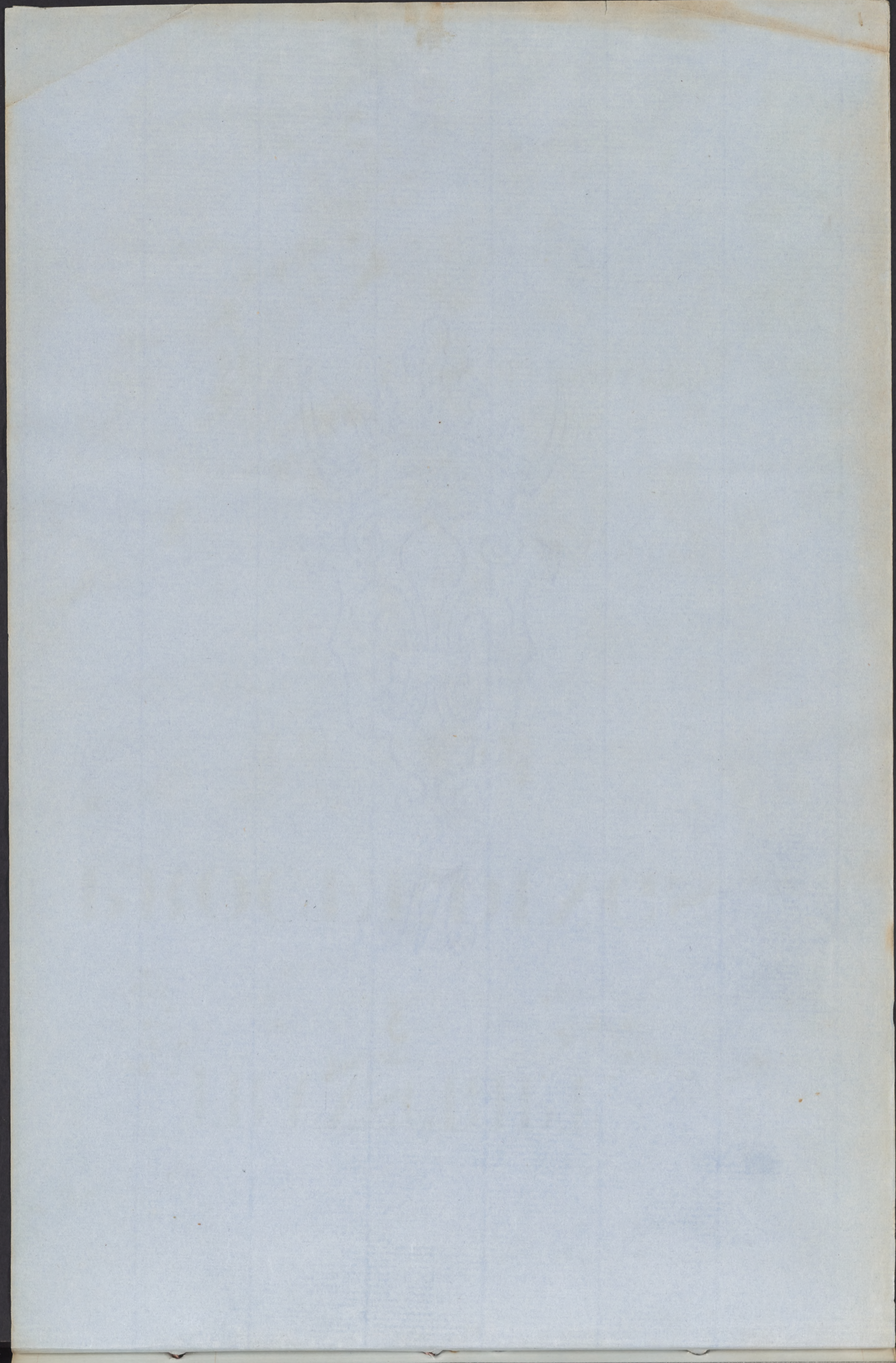
Charles J. Brenham, et al. CLAIMANTS.

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Solano Seco"



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

398 ND
PAGE 2

Be it Remembered, that on this seventeenth day of July, Anno Domini One Thousand Eight Hundred and Fifty-two, before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;

The Petition of Charles J. Benham, et al.,
for the Place named
"Llano Seco"

was presented, and ordered to be filed and docketed with No. 289 and is as follows, to wit:

(Vide page 3 of this Transcript.)

Upon which Petition the following subsequent Proceedings were had in their chronological order, to wit;

San Francisco December 21. 1852
In case No 289 Charles J. Benham et al, for the place named "Llano Seco" the deposition of John A. Smith, a witness in behalf of the claimants taken before Commissioner Hiland Heale with document marked H. H. 205, amended thereto, was filed:

(vide page 7 of this transcript)

San Francisco Sept. 28. 1853
Case No 289 was ordered to be placed at the foot of the docket

San Francisco May 27. 1854
In the same case the deposition of James Bidwell a witness in behalf of the claimants, taken before Commissioner Peter Lott, was filed:

(vide page 8 of this transcript)

2

San Francisco September 26, 1854
Case No 289 was submitted without argument

San Francisco Oct. 4, 1854
In the same case the Counsel for the claimants
filed the following stipulation, to wit:
(vide page 20 of the transcript)

398 ND
PAGE 3

San Francisco Sept 25, 1853
In the same case Commissioner Alphonse Welch delivered
the opinion of the Board respecting the claim,
(vide page 67 of the transcript)
and the following order was made, to wit:
(vide page 72 of the transcript)

N

3
To The Honorable Commissioners to
Settle Private Land Claims in California.

The Petitioners Thomas L. Chapman for him-
self; Thomas A. Marcuss as administrator of the
Estate of John A. Marcuss deceased; Friedrich
Billings, James R. Bolton & H. W. Hallett as
assignees of Simmons Hutchinson & Co; and John
Hoskins, Charles A. Trenham and George G.
Pope for themselves; and George G. Pope as Trustee
Overlord Charles Pope, respectfully show:

Petition

That On the 1st day of May A. D. 1844 Se-
bastian Kayser applied to the Governor of
California for a certain tract of land called
Islaño Seco, which was granted to the said Kay-
ser by Manuel Micheltorene Governor of Califor-
nia On the 26th day of June and 22nd of
Decr 1844.

That On the 2nd day of October A. D.
1848 Pio Pico, Governor of California by vir-
tue of Authority in him vested made a de-
cree granting to the said Kayser the aforesaid
tract of land;

That On the 4th day of October A. D. 1845
the said Governor of California issued to the said
Kayser a formal title for the said tract of
"Islaño Seco" situate in the present County of
Butte containing four square leagues of land
with the boundaries described in the grant and
accompanying map.

That On the 8th day of October A. D. 1845
the said grant was duly approved by the De-
partmental Assembly of California all of which
is shown by the Original Expediente a copy of
which is submitted herewith marked "A" with
a Translation marked "B"

That On the 10th day of October A. D. 1844 the
said Kayser sold and conveyed the said tract
of land to one Edwards A. Farnell by deed of

4
conveyance, a certified copy of the Records of which is submitted herewith marked "C";

That on the 14th day of April A. D. 1845 the said Farnell sold and conveyed one undivided half of the said Tract of Land to John Bidwell a certified copy of the Records of which conveyance is submitted herewith marked "D".

398 ND
PAGE 5
That on the 27th of October A. D. 1849 the said Bidwell sold and conveyed to Thomas A. Chapman and Thomas A. Warcup, the aforesaid undivided half of the said Ranch; and also on the same day the said John Bidwell as Administrator of the Estate of the said Edward A. Farnell sold and conveyed to the said Chapman and Warcup the other undivided half of the said Ranch, certified copies of the Records of which conveyances are submitted herewith marked "E" & "F".

That on the 20th day of December 1849 the said Chapman and Warcup, sold and conveyed one undivided third part of said Tract of Land to the firm of Simmons Hutchinson & Co. then composed of Boyer Simmons Titus Hutchinson John F. Pope and William A. Howell, a certified copy of the Records of which conveyance is submitted herewith marked "G".

That on the 20th day of December A. D. 1849 the said Simmons Hutchinson & Co. sold and conveyed to Owen Farnham one undivided sixth part of said Ranch, a certified copy of the records of which deed of conveyance is submitted herewith marked "H".

That on the 20th day of March A. D. 1850 the said Owen Farnham sold and conveyed the said undivided sixth part of said Ranch to John F. Pope, a copy of which deed of conveyance is submitted herewith marked "I".

J-
That on the 11th day of April A. D. 1850 the said John F. Pope sold and conveyed an undivided $\frac{1}{16}$ of said Rancho to the Petitioner John Hastings a copy of which deed of conveyance is submitted herewith marked "J."

That on the 11th day of April A. D. 1850 the said John F. Pope sold and conveyed an undivided $\frac{1}{16}$ of said Rancho to the Petitioner Charles J. Breckham a copy of which conveyance is submitted herewith marked "K."

That on the 14th day of April A. D. 1850 the said John F. Pope sold and conveyed an undivided $\frac{1}{16}$ of said Rancho to the Petitioner George F. Pope, a copy of which conveyance is submitted herewith marked "L."

That on the 11th day of April A. D. 1850 the said John F. Pope sold and conveyed to George G. Pope, as trustee for O. C. Pope the undivided $\frac{1}{16}$ of said Rancho; a copy of which conveyance is submitted herewith marked "M."

That on the 3rd day of September A. D. 1850 the said Simmons & Hutchinson Co (composed of Bergen Simmons and William H. Howell; the said Titus Hutchinson and John F. Pope having retired from said firm and conveyed all their interest in said tract of land to said Simmons and Howell) sold and conveyed an undivided $\frac{1}{16}$ part of said Rancho to the Petitioners Frederick C. Billings, James R. Dalton and H. W. Hallett a copy of which deed of assignment is submitted herewith marked "N."

That on the 17th day of August A. D. 1850 the said Thomas A. Warcup sold and conveyed his interest in the said tract of land to John H. Warcup; a copy of which conveyance is submitted herewith marked "O."

And the Petitioners further show that the said John H. Warcup died intestate in California

6
in the month of October A. D. 1851 and that the
petitioner Thomas A. Warleaf was duly appointed
Administrator of his Estate:

398 ND
PAGE 7

Thus leaving the said Thomas S. Chapman
the lawful owner of one undivided third part
of said Ranch; the said Thomas A. Warleaf as
Administrator of the Estate of John H. Warleaf
deceased one undivided third part; the said
Hastin, Brennan, and Popu for themselves,
and Popu as trustee for Popu of one undivided
sixth part; and the said Billings, Bolton, and
Hallett as assignees of Simmons Hutchinson
& Co of one undivided sixth part of said
tract of land.

And the petitioners further show that the
said tract of land has not been surveyed by
the Surveyor General of the United States, but
that its boundaries are fully pointed out in
the grant and corresponding map, and are
well known:

That the said Hayser, Farnell, Bidwell
and the petitioners as holding under them have
been for some eight years, and the petitioners now
are in the possession and occupation of said land:

That they know of no conflicting claims:

That they rely for confirmation of title upon
the original papers copies of which are submitted
herewith:

Upon the minutes and records in the archives
now in charge of the Survey General, and upon
such other and further proofs, as they may be
advised are necessary.

Wherefore they pray the Commissioners to con-
firm to them the said tract of land:

By their Attys

Hallett Tracy & Billings

Filed in Office July 17th 1852

Geo Fisher Sec

San Francisco Dec 21st 1853

On this day before Com^r Hiland Hall came John A. Sutter, a witness in behalf of the Claimants Charles J. Greenham et al, a Petition No 289, and was duly sworn his Evidence being in English.

398 ND
PAGE 8

The U. S. Associate Law Agent was present.

In answer to enquiries by Counsel for the Claimants the witness testified as follows:

My name is John A. Sutter, my age is 49 years and I have resided in California since 1839.

I am acquainted with the signatures of Pio Pico and S. M. Parrambias; their signatures to the papers attached to this deposition and marked A. M. A-1 are genuine. I knew Sebastian Keyser very well: he traveled with me over the Rocky Mountains in 1838

Keyser died about two years ago
J. A. Sutter

Notice acknowledged and deposition admitted without question.

R. Greenham
Asst^d Law Agent U.S.

Sworn and subscribed

before Com^r Hiland Hall Com^r

Filed in Office Dec 21st 1853

Geo Fisher Sec^y

United States of America 3 ps.
State of California 3

San Francisco May 24 1844

This day personally came before Peter Lott,
a Commissioner for taking testimony to be
used before the Boards of U. S. Land
Commissioners in said State, John Bid-
well, a witness on behalf of the Claimants
in Case No 289 on the docket of said
Board wherein Charles S. Brenham et al
are claimants and the said witness being
duly sworn on oath deposed in English
as follows to wit:

398 ND
PAGE 9

Deposition
of
John Bidwell

The U. S. Law Agent is present.

Questions by Attorney for Claimants
1st Question. What is
your name, age, and residence?

Answer. My name
is John Bidwell, my age 35 years, my
residence Butte County, California.

2nd Question. Are you
acquainted with the Rancho called "San
Jaco" if yes state what you know of
the occupation and boundaries of said Ran-
cho?

Answer. I am ac-
quainted with the Rancho named, I have
known that land since the year 1843.

In the Spring of 1844, I assisted
Sebastian Kayser in taking the first step
to obtain a grant of the said Rancho.

I drew up his petition for him and
made a map of the land petitioned for
Kayser obtained his grant in 1845

9
and made an arrangement with me, that I should go on and occupy the land, but the war having broken out I went into the Military Service, and in the Spring of 1846 I employed Henry Bryant in my stead to occupy the place, said Bryant moved on to the Ranch, with his family, I think in the month of May, it was early in the Spring of 1846, he took horses and cattle on to the Ranch.

In the Spring of 1846 before I employed Bryant I became interested in the land with Hayser. Bryant remained on the (land) Ranch till after the war was going on. I do not know precisely what time he left the place, I had gone to the lower part of the State with the Troops and did not return till the Spring of 1847.

The ranch in question is bounded on the West by the Sacramento river to an extent of two leagues, on the North by the Southern Boundary of the Farwell Ranch, which is $2\frac{1}{2}$ leagues Southerly from Chico Creek, that is taking the general course of said Creek for the distance. On the East by a line running at right angles, with the northern boundary at an average distance of two leagues from the Sacramento River.

On the South by a line running parallel with the Southern boundary of said Farwell ranch and two leagues distant from it. The land is two leagues square on the East side of the Sacramento river.

J. G. Injunction. Look at the paper marked "Exhibit 1. To Depts of John Bidwell P. L. and state whether the signatures

11
on the 2nd Page thereof are genuine and your
means of knowledge?

Answer. The signature
of Sabastian Hayser is genuine. I have often
seen him write his name and know his sig-
nature well.

I cannot testify posi-
tively as to the signature of William Benitz

The signature of W^m Dickey is the
genuine signature of William Dickey,

I have seen him write and know his sig-
nature very well.

Cross Examined by U. S. Law Agent

1st Question. When was
the place first named "Llano Seco" and
by whom and why was it so named?

Answer. I do not know
when it was first called so, tho' I believe
I was the first to write it so. It was called
so because the rancho runs out into a tract
of country that was called by the trap-
pers and others travelling through that
region, the "dry plain" which is the Eng-
lish meaning of the words.

I think I first heard it called so
in the Spring of 1844.

2nd Question. Who made
the map accompanying the petition in this case
and look at the map in the Expediente,
filed in this case and state whether it
is a copy of the original map so made?

Answer. I made the
original map accompanying the petition
of Hayser, and this is a correct copy of
that original made by me, when I made
the map I marked the Farwell Rancho
not with a view of fixing its boundaries

11
except so far as to show that the Llano Seco Ranch
was bounded thereby on the North:

3rd Question. Where were you
when you made said map?

Answer. I drew the
Original Sketch of it when I went up the valley
in 1843, and made the map from that sketch
in Monterey in the Spring of 1844.

4th Question. What was
the Southern boundary of Farrell's ranch be-
fore you made the said map, and how did
you know where it was?

Answer. I made
a map for Farrell, not his Original map
but one which was filed in the Archives in
Farrell's claim, and I knew from the dis-
tance between his Southern boundary and
the Southern boundary of "Llano Seco" where
to locate the latter. The Southern
boundary of Farrell I knew to be $2\frac{1}{2}$
leagues distant in a southerly direction
from the general course of Chico Creek.

The line was an imaginary line not
marked by any particular land marks
that I am aware of.

The way in which I knew of Farrell's
Southern line was by information from Mr
Farrell himself, for whom I acted as Agent
and transacted business for some years, and
so far as I now remember I know it in no
other way or from any other source at the time
I made this map.

5th Question. Was there
ever a measurement made of either of
those ranches within your knowledge?

Answer. Yes, there was
a measurement, but not till 1848.

6th Question. How did

you establish your scale of distances when you made the map at Monterey if you had not measured the lands?

398 ND
PAGE 13

Answer. I made the Scale without any other than a reference generally to the distances with respect to the Farwell grant, the Sacramento river &c. we pretended to no great accuracy in those times to the measurements of lands.

7th Question. Where did said Hayler first settle on the Rancho in question if ever?

Answer. He never settled on the grant himself, to my knowledge.

8th Question. Did he ever cultivate the lands?

Answer. Never to my knowledge.

9th Question. Would you not have known it, if he had cultivated?

Answer. I think I would have known it if it had been cultivated before the Spring of 1846, after that time I was absent in the war.

10th Question. Were there any landmarks established by any one, indicating the boundaries of said Rancho previous to July 7th 1846.

Answer. None that I am aware of.

11th Question. Is the Sacramento River pretended to be laid down with accuracy on the map you made, as to its limits of direction?

Answer. Not precisely the general course of the river I knew to be South, bearing slightly to the East, from having often travelled up and down the Val-

13

ly, and I do Paid ^{to} it, indicating the general
course.

J. Bidwell

Subscribed and sworn to
before me on this 27th day
of May A.D. 1854.

D. L. Com^r
for Taking Testimony

Filed in Office May 27th 1854
Geo. Fisher Sec.

398 ND
PAGE 14

Stamp South. To Rules.

398 ND
PAGE 15

Provisionally authorized by the Maritime Custom House of the Port of Monterey in the Department of the Californias, for the years One Thousand Eight Hundred and forty four and One Thousand Eight Hundred and forty five.

(Signed) Micheltorena

(Signed) Pablo de la Guerra

Translation
of
Expediente

Maritime
Custom House
Monterey

To His Excellency the Governor

Monterey May
1st 1854.

Let the Secretary of State report previously examining the necessary examinations

(Signed) Micheltorena

Sebastian Kayser, a native of Germany, before your Excellency with the most profound respect appears and represents.

That being a naturalized Mexican Citizen and desiring to dedicate himself to agriculture he prays your Excellency to have the goodness to grant him the lands known by the name of "San Diego" on the banks of the Sacramento river which place is vacant, contains your "Sitios" as shown by the map which he duly transmits herewith, and its boundaries are, on the North the rancho of Farrell, on the East vacant lands, on the South vacant lands, and on the West the river Sacramento.

Wherefore he prays your Excellency to be pleased to grant this, his petition, and order that the aforesaid lands be granted to him in Colonization, by which he will receive favor.

15
He swears that which may be necessary
to. Monterey. 1st May 1844.

As directed by His Excellency the Governor
I transmit this Expediente to Señor Lutter, that
he may have the goodness to report upon its
contents.

Monterey April 1st 1844.

(Signed) Manuel Simoes

The land solicited by Don Sebastian Kayser
in this petition, and represented in the an-
nexed map, is unoccupied and I give this
certificate for the purposes it may serve.

Anna Melitía Simoes 7th 1844,
Jurisdiction of the District of the river Sacra-
mento. (Signed) J. A. Lutter.

To His Excellency the Governor

With many petitions of like
nature with the preceding the precaution has been taken,
to direct them to wait until Your Excellency can make
a visit by the rivers Sacramento and San Joaquin
and thus being no general map of those lands the
grants petitioned for cannot perhaps be made with
prudence for which reason, if Your Excellency should
see fit the Expediente can remain pending until
the other petitions to which I referred, are attended
to.

Monterey July 26th 1844.

(Signed) Manuel Simoes

Monterey Same date

Let him occupy it provisionally
until I go up.

(Signed) Micheltorena

16
Manuel Micheltorena, General of Brigade of the Mexican Army Adjutant General of the Staff of the same, Governor, Commanding General and Inspector of the Department of California's

398 ND
PAGE 17

As this Supreme Departmental Government being very much occupied, is not able to issue, one by one, the respective titles to all the persons who have solicited lands and received favorable reports from Don Auguste Sutter, Captain and Magistrate, charged with the jurisdiction of Nueva Helvetia and Sacramento, I, by these presents and in the name of the Mexican Nation, grant to them and their families the lands, designated in their petitions and maps respectively to all and to each one of them, who has solicited and obtained a favorable report from the said Don Auguste Sutter, for a formal title, with which they shall present themselves to this Government that the same title may be issued to them in due form and on paper of the corresponding stamp, and that it may appear in all future time I give this document which shall be recognized and respected by all the authorities, civil and military, of the Mexican Nation, in this and in other Departments, duly authenticated by the Military Seal that of the Government, in Monterey on the Twenty Second of December One thousand Eight hundred and forty four

(Signed) Manuel Micheltorena

I certify that it is a copy.

Nueva Helvetia, September 3rd 1845

(Signed) J. A. Sutter

107
Los Angeles October 2nd 1845

Having seen the petition with which this Expediente commences, that which appears to have been done, and all other things which were represented and deemed proper to be considered, in conformity with the laws of August 18th 1824 and regulation of Nov 21st 1828, I declare Don Sebastian Kayser owner in fee of the place (named "Plano Seco" on the banks of the river Sacramento, on the Eastern Side, in extent four "sitios" de granada mayor" (four square leagues)

Let the corresponding order be issued, let notice be made in the proper books, and let this Expediente be directed to the Most Excellent Departmental Assembly for its approval.

I, Don Pico Governor ad interim of the Department of the California's thus ordered, decreed, and signed. I certify.

Signed Don Pico.

I, Don Pico, Governor ad interim of the Department of the California's.

Whereas Don Sebastian Kayser, has for his own personal benefit, petitioned for the land known by the name of "Plano Seco," bounded on the north by the Rancho of Farwell, and on the west by the river Sacramento, the proper examinations being previously made as required by laws and regulations, using the faculties conferred on me in the name of the Mexican Nation, I have granted him the aforesaid land, declaring to him the ownership of it by these presents, said grant being understood to be in entire conformity with the laws, subject to the approval of the Most Excellent Departmental Assembly; and under the following

18
conditions.

1st He may Enclose it without
prejudice to the roads and territories, and enjoy
it freely and exclusively, making such use or
cultivation of it as he may see fit.

2nd He shall request the proper
Magistrate to give him the juridical possession
in virtue of this Order by whom the boundaries will
be marked out with the necessary bounds.

3rd The land granted to him in
donation is four "Sitios de granado Mayor"
(four square leagues as shown by the map, which
is in the Expediente. The Magistrate who may
give the possession will cause it to be measured
agreeably with the Ordinance, leaving the sur-
plus which may result, to the Nation for its
convenient uses.

In consequence I order that this title
being held as firm and valid, note be made
of it in the proper books and it be delivered
to the person interested, for his security and
other purposes.

Given in the City of Los Angeles
On the Fourth of October, One thousand Eight
Hundred and forty five.

Note has been made of this title
in the proper books

Los Angeles October 3rd 1845

This Expediente was in session of this day
reported to the Most Excellent Departmen-
tal Assembly and was ordered to be passed
to the Committee on vacant lands.

(Signed) Pio Pico
President

(Signed) Augustin Arana
Secretary

19
To His Excellency,

The Committee on Vacant Lands, understanding well the present Expedienti presented by the naturalized citizen Sebastian Kayser in petitioning for the place "Lans Seco" in the jurisdiction of the river Sacramento, and which has been granted to him in fee by the Superior (Government) of this Department in title legally issued on the 4th of this month, subject to your determination I submit the following propositions:

1st Approve the grant made by the Superior Departmental Government in title issued on the fourth of the present month in favor of Don Sebastian Kayser of the place "Lans Seco" on the river Sacramento, in extent four "Sitios de granada Mayor" in entire conformity with the law of August 18th 1824 and regulation of 21st of November 1828.

2nd The grantees will take care to comply with that required in the 12th Article of the aforesaid regulation of 1828, in order that he may freely dispose of his property.

Committee room Angeles October 8th 1845
(Signed) Francisco de la Encerra
(Signed) Narciso Botello

Angeles October 8th 1845 -

In session of this day the two propositions of the preceding report were approved by the Most Excellent Departmental Assembly, and ordered that this Expedienti be returned to His Excellency the Governor for the purposes which may be deemed proper

(Signed) Pio Pico
President

(Signed) Augustin Orera
Secretary

Filed in Office
July 17th 1852
Geo Fisher
Sec.

On the same date the proper copy was issued to the party

In the claim of C. J. Brenham et al
" To "
" Lano Seco "

It is hereby agreed by the Asst^d Law Agent
On the part of the United States that the Counsel
for the claimants have leave to withdraw the
Original Deed of Assignment of Simmons
Hutchinson & Co to F. Billings, J. R. Bolton
& H. H. Halleck, submitted as evidenced on the
trial of this case, and that the Copy marked "A"
and filed in this case shall be deemed and con-
sidered as of the same force and effect as the
original of which it purports to be a Copy.

Louis Blanding
Asst^d Law Agent

Filed in Office Oct 4th 1854

Geo Fisher
Sec.

398 ND
PAGE 21

Stipulation

In the claim of Charles A. Brenham et al
" To "
" Lano Seco "

It is hereby stipulated between the Asst^d Law
Agent and the Atty for the Claimants have leave
to write down the original deed of assignment
of Simmons Hutchinson & Co to Frederick Billings
James R. Bolton & Henry H. Halleck, dated Sept
3rd 1850 and that the Copy marked "A" and filed
in this case shall be held & considered as of the
same effect as the said original of which it
purports to be a Copy Oct 24th 1854

Halleck Peachy & Billings
Atty for Claimant
Louis Blanding
Asst^d Law Agent

Filed in Office
Oct 4th 1854
Geo Fisher
Sec

Expediente.

398 ND
PAGE 22

Expediente

Promovido por el Lic. Juan Antonio
D. Sebastian Kayser en solicitud del terreno
conocido con el nombre de
Lano Seco.

J. D. H.

Sello cuarto Dos reales.

Habilitado provisionalmente por la Aduana maritima del puerto de Monterrey en el Departamento de las Californias para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

Micheltorena.

Pablo de la Guerra.

398 ND
PAGE 23

(Ad^o Man^o de Mont^o.)

Monterrey Mayo 1^o de 1844.

E. S. Gobernador.

Jose el Sr. Sr. del despacho tomavolo previamente los necesarios.

Sebastian Kayser, originario de Alemania, ante V. E. con el mas profundo respeto se presenta y dice.

Micheltorena.

Que Licudo naturalizado Mexicano y deseando dedicarse a la agricultura, suplica a V. E. se digne concederle el terreno conocido con el nombre de Llano Seco, a orilla del rio Sacramento, cuyo parage es baldio, consta de cuatro sitios segun manifiesta el plano que debidamente acompaña y son sus linderos: al N. el rancho de Farwell al E. tierra baldia al S. tierra baldia y al P^{te} el rio del Sacramento.

ASDh.

P. S. A. V. E. meyo se digne acceder a esta su peticion y mandar se le adjudique en colouitacion el terreno en lo que recibire merced.

Junolo necesario etc. Monterrey. 1^o de Mayo de 1844.

E. S. Como dispone el Sr. Sr. Gobernador para este expediente al Sr. Sutter para que se sura informar sobre lo contenido.

Monterrey 1^o de abril de 1844.

Manuel Siuero.

El terreno que solicito en este pedimiento Sr. Sebastian Kayser y que es representado en el ayuntamiento de esta de ocuparlo y doy esta certificacion para las fines que convengan. Nueva Helvetia. y 4. de Junio de 1844. Jurisdiccion del Rio Sacramento.

A. V. Sutter.

ASDh.

Sr. Sr. Gobernador.

Amuchas solicitudes de la naturaleza comola precedente se les ha puesto la providencia de esperarse hasta que V. E.

3. 23

puede hacer la visita por los rios del Sacramento y San Joaquin y como tambien no hay un disenio general de aquellos terrenos, no se podran hacer tal vez con acierto las conexiones que se pretenden por lo que si V. E. lo tubiere a bien podra quedar pendiente este expediente hasta que no se despachen las solicitudes que me refiero.

Monterrey Julio 26 de 1844.

Manuel Jimeno.

Monterrey. fhu. idem.

Ocupate provisionalmente hasta se subsire despacho.

Micheltorena.

398 ND

PAGE 24

12

Here follows a map in plan.

C. D. H. Manuel Micheltorena Genl de Brigada del Ejercito Mexicano, Ayudante General de la Plana mayor del mismo, Gobernador Comandante Gral e Inspector del Departamento de California.

No pudiendo ahora por estar sumamente ocupado este Gobierno Supremo Departamental extender uno por uno los titulos respectivos a todos los ciudadanos que han solicitado terrenos con informes a su favor del Sr. Dn. Augusto Sutter Capitan y Juez encargado de la Jurisdiccion de Nueva Helvetia y Sacramento, a nombre de la nacion Mexicana les consiento por estos letros la propiedad de ellas y sus familias de los respectivos terrenos marcados en sus instancias y disenios a todos y a cada uno de los que hayan solicitado y obtenido informe favorable del expresado Sr. Sutter de titulo formal con el que se presentaran a este Gobierno para extenderles el mismo titulo en la debida forma en tales tiempos doy este documento que sera reconocido y acatado por todas las autoridades civiles y

24 y D.H.

militares de la Nacion Mexicana en este y en los demas
departamentos autorizando debidamente con los Jueces
Militares y de Gobierno en Monterey a veinte y dos de
Diciembre de mil ochocientos cuarenta y cuatro.

Manuel Micheltorena.

certifico que es copia.

Nueva Helvetia. Setiembre 3. de 1845.

J. A. Sutter.

398 ND
PAGE 25

Angeles. Octubre 2 de 1845.

Vista la solicitud con que da principio este expediente
lo que el aparesca practicado con todo lo demas que se
tuvo presente y ver convenio de conformidad con la ley de
18 de Agosto de 1824 y reglamento de 21 de Noviembre
de 1828, declaro al Señor Sebastian Mayer dueño en
propiedad del paraje (del colun en la orilla del) conocido
Llano Seco en la orilla del Rio del Sacramento al rumbo
9. en estension de cuatro sitios de ganado mayor. Sti-
endole el despacho correspondiente, tomese razon en el
libro respectivo y dirijase este expediente a la Exma.
Asamblea Departamental para su aprobacion. Provisio
Gobernador Interino del Departamento de las Californias
así lo mande decretado y firmo Doy fe.

88 D.H.

Pio Pio.

Pio Pio Gobernador Interino del Departamento de las Calif.^{as}

Por cuanto D^o Sebastian Mayer ha practicado
para su beneficio el terreno conocido con el nombre de
Llano Seco, colindante al N. con el rancho de Farwell
y al S. con el Rio del Sacramento, practicadas puramente
las averiguaciones correspondientes segun lo dispuesto
por leyes y reglamentos, usando de las facultades
que me son conferidas a nombre de la Nacion Mexicana
he venido en concederle el espresado terreno de elerandole
la propiedad de el por las presentes letras entendiendose
dicha concesion de entera conformidad con las leyes
a reserva de la aprobacion de la Exma. Asamblea Depar-
tamental y bajo las condiciones siguientes.

98 D.H.

1^o Podra llevarlo sin perjuicio de las censuras

caminos y semótumbes, lo disfrutará libre y exclusivamente destinándolo al uso y cultivo que mas le acomode.

2.^o Solicitara del Juez respectivo le de la posesion juridica en virtud de este despacho por el cual se demarcan los linderos con las motivaciones necesarias.

3.^o El terreno de que se le hace donacion es de cuatro sitios de ganado mayor segun espresa el dicento que obra en el expediente. El Juez que otorga la posesion lo hará medir comprue a' ordenanza quedando el sobrante que resalte a' la nacion para los usos convenientes.

En consecuencia mandado que teniendose por firme y valedero, se tome razon de el en el libro respectivo y se entregue al interesado para su resguardo y demas fines. Dado en la ciudad de los Angeles a

Cuatro de octubre de mil ochocientos Cuarenta y cinco.

Queda tomada razon de este titulo en el libro respectivo.

10/10/16.

Anges octubre 9 de 1845.

Dado cuenta en sesion de hoy con este expediente a' la Exma. Asamblea Departamental se mandó pasar a' la Comision de terrenos baldios.

Pido Pido.

Agustin Obregon.

Exmo. Sr.

La Comision de terrenos baldios bien informado del presente expediente promovido por el Ciudadano naturalizado Sebastian Mayes en posesion del parage Llano Seco en la comprension del Rio Sacramento y que lo ha sido adjudicando en propiedad por el Sup^{or} de este Departamento en titulo legalmente librado con fha. de este mes, sujeta a' la deliberacion de V.E. las siguientes proposiciones.

1.^o Se aprueba la concesion hecha por el Sup^{or} del Gob.^o Departamental en titulo librado con fha. de este presente mes a favor de Dn Sebastian Mayes del parage Llano Seco en el rio del Sacramento y en la extension de cuatro sitios de ganado mayor

26

de entera conformidad con la ley de 18 de Agosto de 1821
y el reglamento de 21 de Noviembre de 1828.

11524.

2º El agraciado cuidará de cumplir con lo prevenido
en el artículo 1º del citado reglamento de 1828 p^a poder
disponer libremente de esta propiedad.

Sala de Comisiones. Angeles. Octubre 8 de 1845.

Fran^{co} de la Guerra. Narciso Gotto.

Angeles Octubre. 8 de 1845.

En sesion de hoy se aprobó por la Junta Asamblea Depart
-amental con las otras proposiciones del dictamen precedente
mandando se devuelva el expediente original al Sr. Sr. Sr.
Señor Gobernador para los fines que sean convenientes.

Pio Pico. Ferid^{te}. Agustin Olvera. Sr.^o.

En la pta. se libro a la parte la copia respectiva.

Office of the Surveyor General of the United States for California.

I Samuel D King Surveyor General of the United States
for the State of California and as such now having in my
office and under my charge and custody a portion of the
Archives of the former Spanish and Mexican Territory or
Department of Upper California, do hereby certify that the
eleven preceding and hereunto annexed pages of tracing
paper numbered from one to eleven inclusive and each of
which is verified by my initials (S.D.K.) exhibit true and accur
-ate copies of certain documents now on file and forming
part of the said archives in my office.

In testimony whereof I have hereunto
Signed my name officially and affixed my private seal
(not having a seal of office) at the City of San Francisco
Cal this 13th day of January 1852.

Samuel D King.

Surveyor General. Calif.

Filed in office. Sept. 22nd 1852.

Geo. Fisher. Secy.

Sello Primero ocho Pesos.

Habilitado provisionalmente por la Aduana marítima del puerto de Monterrey, en el departamento de las Calificadas para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

(Seal) Micheltorena. Pueblo de la Guera.

Pío Pico, Gobernador Interino del departamento

Doc. H. H. N.º 1. ann. de las Californias.

to Depo. of John A.

Sutter. taken before

Corn. Heiland Hull.

Por cuanto D.º Sebastian Royser

ha pretendido para su beneficio el terreno conocido con el nombre de Llano Seco colindante al N. con el Rancho de Farrell y al P. con el rio del Sacramento practicados previamente las averiguaciones correspondientes segun lo dispuesto por leyes y reglamentos usando de las facultades que me son conferidas a nombre de la Nacion Mexicana he venido en concederle el referido terreno declarando le la propiedad de el por las presentadas letras, entendiendo dicha concesion de entera conformidad con las leyes, à reserva de la aprobacion de la Ex.ª Asambla Departamental y bajo las condiciones siguientes.

1.º Podrá ser usado sin perjudicar las cañales y servidumbres, lo disfrutará libre y esclusivamente destinandolo al uso y cultivo que mas le acomode.

2.º Solicitará del Juez respectivo le de la posesion jurídica en virtud de este despacho, por el cual se demarcarán los linderos con las moyoneras necesarias.

3.º El terreno de que se le hace donacion es de cuatro sitios de ganado mayor, segun expresa el diseño que obra en el expediente. El Juez que tiene la posesion lo hará medir con arreglo à ordenanza quedando el sobrante à la Nacion para los usos que le convengan.

En consecuencia mandó que teniendo presente el presente título por firme y valeroso, se tome razon de el en el libro respectivo y se entregue al interesado para su resguardo y demás fines. Dado en la

1. 27

398 ND

PAGE 28

la Ciudad de los Angeles. a cuatro de Octubre de mil
ochocientos cuarenta y cinco.

Pío Pico. José M.^a Covarrubias. Srío.

Queda tomada razon de este título en el libro respectivo.
Angeles. fecha ut. Supra.

Covarrubias.

Pío Pico Gobernador Interino del Departamento de las
Californias.

La Excm.^a Asamblea Departamental
en sesion ha acordado lo siguiente.

1.^o Se aprueba la concesion hecha por el Superior
Gobierno Departamental en título librado fecha 4 del
presente mes, a favor de D.^o Sebastian Kayser del
paraje Llano Seco, en el rio del Sacramento y en la
estension de cuatro sitios de ganado mayor, de entera
conformidad con la ley de 18 de Agosto de 1834 y
el reglamento de 31 de Noviembre de 1838.

2.^o El agraciado cuidará de cumplir lo
previsto en el artículo 1.^o del citado reglamento
de 1838 para poder disponer libremente de entera
de esta propiedad.

Y para resguardo de la parte de D.^o
Sebastian Kayser lo hayo así saber. Dado en la
Ciudad de los Angeles en este papel comun por falta
de S. Mado. en la ciudad a los ocho de Octubre de
mil ochocientos cuarenta y cinco.

Pío Pico.

José M.^a Covarrubias.

Filed in Office. Dec 21. 1852

J. P. Fisher Secy.

Translation of Seal First Eight Dollars
 Doc. H. H. No. 1 Provisionally authorized by the Maritime
 Annexed to depts. Custom House at the Port of Monterey
 of J. A. Gutier in the Department of the Californias for
 taken before the years 1844 and 1845
 Comr. A. B. (Signed) Michel Torero
 (Signed) Pablo de la Guerra

398 ND
 PAGE 30

Seal
 Pio Pico Governor ad interim of the
 Department of the Californias—
 Whereas Don. Sebastian
 Royer has solicited for his own benefit
 the tract of Lands known by the name
 of "Llano Seco", bounded by the Rancho
 of Sanchez on the North, and on the
 West by the Sacramento River; the
 investigations having been made relative
 thereto according to the provisions of the
 Laws and regulations, by virtue of the
 powers vested in me, in the name of the
 Mexican Nation I have concluded to
 grant him the aforesaid lands, declaring
 unto him the ownership thereof by these
 present letters; the said grant being in
 entire conformity with the Laws, subject
 to the approval of the most Excellent
 Departmental Assembly and under the
 following Conditions—

1st He may Enclose it without prejudice
 to the Laws and Ordinances; he shall
 enjoy it freely and Exclusively, appropri-
 ating it to the use or Cultivation most
 convenient to him.
 2^d He shall request the proper Seize

to give him peculiar possession thereof in
 virtue of this Patent, by which the
 boundaries shall be designated with
 the necessary Land Marks

3d. The tract of Land hereby granted
 contains four square Leagues as shown
 by the designs attached to the Expediente

The King who shall give the possession
 will cause it to be measured
 according to ordinance, the surplus remain-
 ing to the Nation for convenient purposes

Therefore the present title being
 held as firm and valid I order it to be
 entered in the proper Book and delivered
 to the interested party for his security and
 other purposes -

Given in the City of Los
 Angeles on the fourth day of October
 Eighteen hundred and forty five
 (Signed) Pio Pico -
 Signed Don M. Covarrubias

Pio Pico Governor ad interim of the
 Department of the Californias -

The Most Excellent Departmental
 Assembly in Session of today accepted
 the following

1st The grant made by the
 Spanish Departmental Government by title
 issued under date of the 4th of the
 present month in favor of Sebastian
 Naysor for the place called "Llano Seco"
 upon the Sacramento River, to the extent
 of four square leagues, in entire conformity

31

with the Law of the 18th of August 1824 and the Regulation of the 31st November 1828, is approved -

398 ND
PAGE 32

9^a The grantee shall Comply with the requirements of the 19th. Article of said Regulation in order to enable him to dispose of this property freely

And for the security of the party of Don. Sebastian Rayon & Mahe de Mazon -

Given in the City of Los Angeles on this Common paper for the value of Stamped, this Eighth of October Eighteen hundred and forty five

(Signed) Pio Pico
(Signed) Jose Ma. Encarnacion Secy

A true and correct translation written on my hand this 31st December 1853

Geo. Fisher Secy

Filed in Office Dec. 31. 1853

Geo. Fisher Secy

T. L. Chapman & T. A. Warcup }
Deeds.

Bejar Simmons, Titus Hutchinson }
John F. Popu & Wm. H. Howell }

This Indenture

Made and concluded this the twentieth day of December in the year of our Lord One thousand Eight hundred and forty nine. Between Thomas L. Chapman Thomas A. Warcup of Sacramento City of the first part, and Bejar Simmons of Titus Hutchinson, John F. Popu and William H. Howell all of San Francisco of the Territory of California of the second part Witnesseth that the said Thomas L. Chapman and Thomas A. Warcup for and in consideration of the sum of Six thousand dollars (\$6000) in hand paid by the said Simmons Hutchinson, Popu, & Howell, at or before the signing and delivery of these presents the receipt whereof is hereby acknowledged, had granted bargained sold and conveyed by these presents do grant, bargain & sell release and convey unto the said Bejar Simmons Titus Hutchinson, John F. Popu & William H. Howell, the undivided One third of a tract or grant of land situated in Upper California bounded as follows (viz):

Bounded on the North West by the old grant of Edward A. Farwell on the North East by lands of Saml. A. Hensley on the South East by lands claimed by John Hawes on the West the Sacramento River (making or consisting of Four square leagues the said land is known by the name of ("Lans Seco") Dry plain) Granted to Sebastian Hayter the original grantee of the Mexican Government which said tract or parcel of land derived to said Chapman and Warcup from John Bidwell and also from said Bidwell

398 ND
PAGE 33

"G"
Deeds

34

398 ND
PAGE 34

as Administrator of Henry A. Farwell by Deed
 bearing date the (25th) Twenty Fifth day of October
 A.D. One Thousand Eight Hundred and forty nine
 and an records in Book "A" of Deeds folio
 pages 328. 329. 330. 331. to have and to
 hold the aforesaid granted & bargained prem-
 ises with all the rights privileges and appur-
 tenances thereunto belonging and all the is-
 sues thereof unto the said Pagar Simmons, Titus
 Hutchinson, John T. Pope, William H. Howell
 their heirs and Executors and administrators and
 assigns forever, and the said Thomas L.
 Chapman and Thomas A. Harleaf for themselves
 their heirs, Executors and Administrators and
 assigns does by these presents warrant and de-
 fend the said Pagar Simmons, Titus Hutch-
 inson, John T. Pope and William H. Howell
 their heirs and assigns in the title to the said
 premises as above described, from themselves
 our heirs & assigns forever to their use and
 behoof forever.

In testimony whereof the said Thomas
 L. Chapman, Thomas A. Harleaf have hereunto
 set their hands and affixed their seals the
 day and year first above written

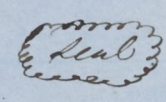
Signed sealed and delivered
 in presence of
 James H. Crocker } Thomas L. Chapman Seal
 Joseph Clough } Thomas A. Harleaf Seal

Territory of California }
 District of Sacramento } S

Be it known that on
 this Twenty Second (22nd) day of December A.D.
 1849, before me a Notary Public for said District
 came Thomas L. Chapman and Thomas A. Harleaf

35-

each personally known to me to be the person whose signatures appear to the foregoing deeds and acknowledged said signatures to be genuine and the said instrument to be their free act and deed for the purposes therein expressed.

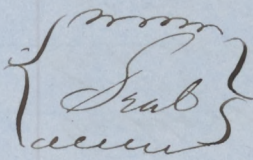
Henry A. Schoolcraft 
Notary Public

Sacramento District California

398 ND
PAGE 35

Recorded June 29th 1850 at 9 o'clock
A. M. Th. A. Hey Dept Recorder

I hereby certify the foregoing to be a true copy from Book "D" of Deeds pages 230 & 231 in my office. Witness my hand and official seal
June 18th 1852

 H. S. Long Recorder Sac Co
By John S. Brown D. R.

Filed in Office July 17th 1852
Geo Fisher

Bejar Simmons }
Titus Hutchinson } This indenture made and
John F. Pope } concluded this the twentieth
William M. Stowell } day of December in the year
Do. Deeds } of our Lord One thousand
Eight hundred & forty nine between Bejar Simmons
Titus Hutchinson John F. Pope and William M
Stowell of San Francisco of the first part and
Orrin Farnham of San Francisco party of the
second part Witnesseth: That the said Bejar
Simmons, Titus Hutchinson, John F. Pope &
William M. Stowell for and in consideration of the
sum of sixteen hundred dollars (\$1600) in hand
paid by the said Farnham at or before the sign-
ing and delivery of these presents the receipt where-

"H"
Deed

of is hereby acknowledged has granted bargained
 sold and conveyed and by these presents do grant
 bargain sell release and convey unto the said
 Farham the undivided One Sixth of a tract
 or grant of land situate in Upper California
 and bounded on the North West by the old
 grant of Edward A. Farnell on the North
 East by lands of Samuel A. Newley on the
 South East by lands claimed by John Haney
 on the West the Sacramento River making or
 consisting of four square leagues, the said
 land is known by the name of "Llanos Seco"
 dry plain granted to Sebastian Kaysler the
 original grantee of the Mexican Government which
 said tract or parcel of land derived to said Sim-
 mons, Hutchinson Pope and Stowell from Thomas
 S. Chapman & Thomas A. Harless by a deed
 bearing even date with these presents.

To Have & To Hold the aforesaid
 granted & bargained premises with all the
 rights privileges and appurtenances thereunto
 belonging and all the issues thereof unto the
 said Orrin Farham his heirs & Executors
 and administrators forever and the said Peter
 Simmons Titus Hutchinson John F. Pope &
 William M. Stowell for themselves their heirs,
 Executors and Administrators and assigns do
 by these presents warrant and defend the said
 Orrin Farham his heirs and assigns in the title
 to the said premises as above described for them-
 selves their heirs and assigns forever, to their use
 and behoof forever.

In testimony whereof the said Peter
 Simmons Titus Hutchinson, John F. Pope
 William M. Stowell have hereunto set their hands
 and affixed their seals the day and year first
 above written

37

Signed Sealed & Delivered
 in presence of *By* *By* *By* *By*
By *By* *By* *By*
 John Haskin to Simmons. By his Attorney in fact
 E. W. Brown. Popet Stowell. Frederick B. Billings
 Oscar Bennett to Hutchinson. Titus Hutchinson
 John F. Pope
 No 1142 Wm. H. Stowell

398 ND
 PAGE 37

I hereby certify the foregoing to be a true
 copy from Book D. of Deeds, pages 48 & 49
 in my office at Office at Sacramento City
 Witness my hand & official seal July 16th
 1852

W. J. Long Co. Recorder
 Sac Co
 By John T. Brown
 D. B.

Filed in Office July 17th 1852
 Geo. Fisher Sec

"N"
 "Deed"

This Indenture made this third day of Sep-
 tember in the year One thousand Eight Hun-
 dred and Fifty between *By* *By* *By* *By*
 and William H. Stowell Copartners in Trade
 and Business, under the name firm and
 style of Simmons Hutchinson & Co of the
 first part and Frederick Billings, James
 R. Bolton and M. W. Hallett of the City
 of San Francisco, parties of the second part
 (Witnesseth); That whereas the said Copart-
 nership is justly indebted in Sundry Consid-
 erable sums of money, and by reason of
 severe losses which have recently attended

its business operations, has become unable to pay and discharge all its liabilities with punctuality in full, and the said parties of the first part, are now desirous of making a fair and just distribution of their property & effects among their creditors.

398 ND
PAGE 38

Now therefore, this Indenture witnesseth that the said parties of the first part in consideration of the premises and of the sum of One Dollar to each of them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted bargained and sold, released, assigned, transferred and set over, unto the said parties of the second part, and to their heirs and assigns forever, all and singular the lands tenements and hereditaments, situate, lying and being within the State of California; and also all the goods, chattels, Steamboats, Merchandise, Cills, notes, book accounts claims demands, choses in action, books of accounts evidences of debt, and property of every name, nature and description whatever and whatsoever of the said Burger Simmons & William H. Stowell, the parties of the first part more particularly enumerated and described in the Schedule hereto annexed (marked "A" and made part of this indenture.

To have and to hold the same and every part and parcel thereof, with the appurtenances to the said parties of the second part their heirs and assigns forever:

In trust nevertheless, and to and for the following uses, intents and purposes:

That is to say that the said parties of the second part shall take possession of all and singular the lands tenements and hereditaments and all other property hereby assigned, or

And all other property hereby assigned, or

intended to be, and sell and dispose of the same, either at public or private sale, to such persons or persons for such prices and on such terms and conditions, and either for cash or upon credit, as in their judgement may appear best, and most for the interest of the parties concerned, and convert the same into money; and also to collect all and singular the said debts, dues, bills, bonds, notes, accounts, claims demands and choses in action or so much thereof as may prove collectable and thereupon to execute, acknowledge and deliver good and sufficient deeds, bills of sale, releases, and all other instruments of conveyance that may be necessary and proper to effect a sale and transfer of any and all the estates, property and effects hereby conveyed or intended to be, and by and with the proceeds of such sales and collections the said parties of the second part shall first pay and discharge all the just reasonable and honest expenses, costs charges and commissions of making & conveying into effect this assignment & the objects thereof. And the residue of the proceeds of such sales and collections shall be considered as the net proceeds or proceeds of the property and effects hereby assigned.

And first by and with the said proceeds the ^{said} parties of the second part shall pay and discharge in full the following sums of money to the persons to whom they are respectively due, that is to say, to George H. Howard, three thousand dollars (\$3000) to Flint Peabody & Co three thousand dollars (\$3000) to Will & Co two thousand dollars (\$2000) with legal interest from the date of this assignment. The said debts are mentioned in Schedule "B"

And secondly, by and with the residue and remainder of said net proceeds, if any shall

398 ND
PAGE 39

40
remain after the Payment in full of the debts
and liabilities mentioned in Schedule "B" the
Said Parties of the Second Part shall pay and
discharge all sums of money due, upon depos-
its made with the firm of Simmons Hutchinson
& Co when said firm was composed of Pagar
Simmons William H. Howell, John F. Pope
and Titus Hutchinson, as well as when composed
of the said parties of the first part provided
that said deposits were made without an agree-
ment between the depositors and the said firm
of Simmons Hutchinson & Co, that the money or
gold dust deposited should bear interest; and
also whatever sums of money shall be due or
become due to the owner of the Steamer Gold
Hunter. The above mentioned debts, which are
set forth in Schedule "C" shall be paid in full,
if such remainder shall prove sufficient for
that purpose, and if insufficient, then the parties,
of the second part shall apply such remainder
to the payment and liquidation of said debts &
demands mentioned in Schedule "C" pro rata,
share and share alike, according to their res-
pective amounts, as far as such remainder
will extend, for that purpose, and in the fol-
lowing class of creditors shall be included
the firm of G. S. Robins and Son of the City
of New York, Bankers, the amount of indebted-
ness to whom is stated in said Schedule "C"

And thirdly, by and with the rest, residue
and remainder of said net proceeds if any
shall remain after paying and dischar-
ging the debts and demands aforesaid the
said parties of the second part shall pay
and discharge all the other Partnership
debts, demands and liabilities whatsoever
now existing, whether due or hereafter to be-
come due against the firm of Simmons —

Come due against the firm of Simmons

H1
Hutchinson & Co when composed of the said
Byar Simmons, Titus Hutchinson, John F
Fors and William H. Stowell, partners as
well as when the said firm was composed
of the parties of the first part, partners
therein; provided such remainder shall prove
sufficient for that purpose and if insufficient
then said parties of the second part shall apply
such remainder to the payment and liquidation
of such debts and demands pro rata share for
share alike according to their respective amounts
as far as such remainder will extend for that
purpose.

And lastly the said parties of the second
part shall return the surplus if any remain after
paying the debts and demands aforesaid to the said
parties of the first part, their Executors, adminis-
trators or assigns, and for the better execution of
these presents, and of the several trusts hereby
reposed, the said parties of the first part do
hereby make, nominate, constitute and appoint
the said Frederick Billings, then and each of their
true and lawful Attorneys irrevocable with power of
substitution and revocation, with full power and
authority in the name of the said parties of the first
part, and their and each of their legal repre-
sentative, or otherwise, to do transact and per-
form all acts, deeds, matters and things in the
full execution of those powers. And the said
parties of the first part for themselves and their
and each of their heirs, Executors and administra-
tors covenant and agree to and with the said
parties of the second part, that they will when
requested make or cause to be made, such fur-
ther assignments, deeds, and consequences as shall be
necessary to carry into full and complete effect
the intentions of the parties to these presents

It is understood that this deed of af-

Assignment is a deed of Trust for the benefit of the Creditors of the present firm of Simmons Hutchinson & Co composed of the Parties of the first part, and also the Creditors of the firm of Simmons Hutchinson & Co as it was formally constituted when Titus Hutchinson and John F Poppe were also partners; Aside from the preference hereinafter given to certain Creditors, the Creditors of the two firms doing business under the same name being treated alike.

In Testimony whereof the Parties to the first part, have hereunto set their hands and affixed their seals on this third day of September A.D. One thousand eight hundred and fifty;

(Signed) B. Simmons {Seal}
(Signed) W. H. Stowell {Seal}

Signed sealed and delivered in presence of the words "Creditors" of the "having been" interlined on the last line of the fifth page before the execution hereof.

(Signed) Arch C. Prachy
(Signed) C. Temple Emmette.

State of California }
County of San Francisco } At San Francisco on this the third day of September A.D. Eighteen hundred and fifty, personally appeared before me a Notary Public within and for said County Bazar Simmons and William H. Stowell well known to me to be the parties described in and who executed the foregoing instrument, and each

Executed the foregoing instrument, and each

43

acknowledged that he executed the same freely and voluntarily and for the purposes therein mentioned

In witness whereof I have hereunto set my hand and seal official the day and year above written.

(Signed) C. Temple Emmett
Notary Public

Notarial Seal

398 ND
PAGE 43

Schedule "A"

Property belonging to Simmons Hutchinson & Co. being Schedule "A" referred to in the foregoing deed of assignment.

Beach and Water Lot No One hundred and twenty one with store thereon situated on Clay Street between Montgomery and Sansome.

Mortgaged to Wells & Co to secure the payment of a note for fifteen thousand dollars

Three fifteenth $\frac{3}{15}$ of Steamer Gold Hunter, mortgaged to Wells & Co to secure the payment of a note for twenty five thousand dollars.

Two twenty fourth $\frac{2}{24}$ of Steamer McKim mortgaged to Wells & Co to secure the payment of a note for fifteen thousand dollars.

One undivided half of twenty lots bought of D. B. F. Edwards and situated on Chestnut, Jones, and Greenwich Streets on the North Beach

Lot on Front Street in Sacramento City, between M. & N. Streets, twenty five feet front and one hundred twenty feet deep to an alley, with

the store thereon.

44

One undivided half of Sixty Seven, Eightieths $\frac{67}{80}$ of Mano Island in San Pablo Bay

Lot on W. Street in Vernon with store thereon, said lot being twenty five feet deep.

398 ND
PAGE 44

About eight hundred lots in Vernon and an undivided interest in the lands adjoining the Town

One undivided sixth part of the Rancho known as "Elans Seco" on the Sacramento River

One half of Steamboat Building by Walters Butcher & Co at River Point.

One eighteenth of Steamer Hartford and one eighteenth of her dividends since July 1st

Three - Eighths of Steamer Antu
One - third of Bark Whiton
One - fourth of Bark Dimon
Store Ship Florence, with Scurry, Launches & Boats

About two hundred thousand feet of Lumber on the North Beach.

About One hundred thousand feet of Lumber of Sacramento City

About Sixty thousand shingles at Sacramento City.

Counting room furniture consisting of Desks, Safes, Gold scales, Scales &c.

Lot in Block fifteen in town of Prichard

A large amount of Cook accounts and

45

Notes due the said firm of Simmons Hutch-
inson & Co, the amount of which will be par-
ticularly ascertained by reference to the books
of said firm.

Small amount of Merchandise in Store

398 ND
PAGE 45

Recorded in Co. Records Office Sept 4th
1857 at 10 A.M. in Cook's No 1 deeds of trusts
on page 32.

(Signed) John A. McAllyn
County Recorder
By James O. Grady
Deputy

Filed in Office July 17th 1852
Geo Fisher Sec.

"Deeds"

I now all men by these presents that I Edward
A. Farnell do hereby, give grant and convey
all the right, title and interest which I have
or may hereafter have in one half of the tracts
of land petitioned for by Sebastian Kayser un-
der the name of the Llano Sec unto John Bid-
well on the following conditions (viz): The said
John Bidwell is to be to all the trouble and ex-
pense of obtaining the proper and valid title to
said lands from the Departmental Government.

In witness whereof I hereunto set my hand
and seal on this the 4th day of April 1845.
E. A. Farnell {Seal}

Witness
John Townsend

46

Know all men by these presents that I John Bidwell for myself my heirs Executors and Administrators, Transfer all my rights in the within deeds or otherwise to A. S. Chapman and T. A. Marcase for the sum of Eighteen Hundred & fifteen dollars as expressed in a deed made to them this day

398 ND
PAGE 46

Sacramento City Oct 27th 1849

Witness
S. C. Hastings
H. Bigelow

J. Bidwell

Territory of California }
District of Sacramento } J

Be it remembered that on this 27th day of October A.D. 1849 before me came J. Bidwell whose name is subscribed to the within and foregoing deeds as a party thereto and acknowledged the same to be his free act and deed for the purposes therein mentioned.

Given under my hand and private seal the day and year aforesaid

A. J. Thomas ^{my} ~~notary~~ ^{public}
Suc. Dist. California

Filed in Office Jan'y 26th 1854
Geo Fisher Sec.

47
New Helvetia Nov 10th 1844.

Know all men by these presents that I
Sebastian Kayser hereby gives grants conveys
sells and conveys unto Edward A. Farwell his
heirs and assigns all the right title and inter-
est that I have and hold in the land gran-
ted to me by the Government of California
and lying in the valley of the Sacramento
the same being bounded as follows On the
West by the river Sacramento On the North
by land belonging to the said Farwell On the
East by Government lands and On the South
by land claimed by John James the same
containing four leagues being two leagues on
every side for and in consideration of the sum
of twenty five dollars to be paid in Heifers,
Picillo at the rate of five dollars each.

The papers for the said land I deliver
to the said Farwell and with them the right
to hold the land in my name and will
defend the same to the said Farwell his heirs &c
against all claims whatsoever.

In witness whereof I have hereunto
set my hand and seal this 10th day of
November in the year of our Lord One thou-
sand Eight hundred and forty four.

Sebastian Kayser

W. Benitz

Witness
Ch. Ticking

398 ND
PAGE 47

"Deeds"

398 ND
PAGE 48

Know all Men by these presents, that I John Bidwell for myself my heirs Executors and Administrators as the lawful Administrator of Edw^d A. Farmell Deceased, I transfer all the rights of the said Edw^d A. Farmell in the within and to J. L. Chapman and J. A. Warless for the sum of Twelve hundred and fifty dollars as expressed in a deed to them made this day. Sacramento City Oct 27th 1849. J. Bidwell

Administrator for
E. A. Farmell.

Witness
S. C. Hastings
H. Bigelow

Territory of California }
District of Sacramento }

Do it remember that on this 27th day of October 1849 before me personally came J. Bidwell Admt^r &c whose name is subscribed to the within and foregoing as having Executed the same and acknowledged the same to be his free act & deed for the purposes therein mentioned

Given under my hand and private seal the day & year aforesaid

{ Seal }

J. F. Thomas Judge &c
Sac Dist California

Filed in Office Jan 21st 1854
Geo Fisher Sec.

49

This Indenture made and entered into this the twenty fifth day of October Eighteen Hundred and forty nine.

Between John Bidwell of the Territory of California of the first part and Thomas L Chapman and Thomas A. Marcuss of Sacramento City of the Territory of California of the second part.

398 ND
PAGE 49

Deed

Witnesseth, That for and in Consideration of the Sum of 1650 Dollars (the receipt whereof is hereby acknowledged to me in hand paid by Thomas L. Chapman and Thomas A. Marcuss, the party of the first part John Bidwell do grant bargain sell and convey to the said party of the second part their heirs and assigns forever, a parcel of lands situated in Upper California and bounded as follows. viz:

Bounded on the west by the river Sacramento, on the north west by the old grant of Edward A. Farrell (deceased) on the North East by lands according to a grant to Samuel A. Hensley on the South East by Government lands or by lands claimed by John James making Four square Cajo granted unto Sebastian Kayser the original Grantee of the Mexican Government.

To Have and to hold, the said piece of land with the privileges and appurtenances to the same belonging to the said Thomas L. Chapman & Thomas A. Marcuss their heirs and assigns forever, and the said John Bidwell for myself and my heirs, do hereby covenant and agree to and with the said Chapman & Marcuss that I am now the owner of one half of the above described lands and premises and that I have full right and power to sell and convey the same that the

398 ND
PAGE 50

premises are free and clear of all incumbrances: and that I will, my heirs Executors and administrators shall warrant and defend the same unto the said Thomas C. Chapman and Thomas A. Marcass their heirs and assigns against all persons claiming the same by, from or under me in my name the said John Bidwell but against no other persons.

In witness whereof I have hereunto set my hand and seal the 27th day of October 1849.

(The covenants in this indenture is understood by and between the parties that in case there should be a superior claim on the said Chapman & Marcass should be obliged to yield to a superior claim the money paid for the described lands & premises will be refunded to the full amount)

J. Bidwell {Seal}

Sealed & delivered in the presence of
S. C. Hastings
Ed. Bigelow

Territory of California }
District of Sacramento }

Be it remembered

that on the 27th day of October A.D. 1849 personally came J. Bidwell whose name is subscribed to the within and foregoing deed and acknowledged the same to be his free act & deed for the purposes therein mentioned.

Filed in Office
July 27 1854
Geo Fisher
Sec.

Given under my hand & private seal the day & year aforesaid
J. J. Thomas Indg Co. Sac Dist Ca

"This Indenture" made and entered into this the Twenty fifth day of October Eighteen Hundred and forty Nine.

Between John Bidwell Administrator of the Goods and Estate which were of Edward A. Farwell late of Upper California, deceased intestate, being duly Empowered of the first part and Thomas L. Chapman and Thomas A. Harbass of Sacramento City of the Territory of California of the second part.

Witnesseth That in pursuance of a sale at public Auction, and in consideration of the sum of Twelve hundred and fifty Dollars (the receipt whereof is hereby acknowledged) to me in hand paid by Thomas L. Chapman and Thomas A. Harbass (who was the highest bidder at the sale for the estate herein after described) The party of the first do grant bargain, sell and convey unto the said Thomas L. Chapman and Thomas A. Harbass their heirs and assigns forever, a parcel of lands situated in Upper California and bounded as follows viz: Bounded on the North West by the old grant of Edward A. Farwell on the North East by the grant of Samuel A. Hensley on the South East by lands claimed by John James, on the West by Sacramento River the said tract of four square leagues granted unto Sebastian Kayser the Original Grantee of the Mexican Government.

To Have and to hold the said parcel of lands with the privileges and appurtenances to the same belonging, to the said Thomas L. Chapman and Thomas A. Harbass their heirs and assigns forever, and I the said John Bidwell do covenant to and with the said party of the second part their heirs and assigns, that I am duly Empowered to convey

398 ND
PAGE 51

"Dad"

398 ND
PAGE 52

the same to the said Thomas L. Chapman and Thomas A. Marcuss as aforesaid, that I have in all things observed the rules and directions of the law in the said sale and that I will, my heirs Executors and administrators shall warrant and defend the same unto the said Thomas L. Chapman, and Thomas A. Marcuss their heirs and assigns against all persons claiming the same by, from or under the said Edward A. Farrell or (and) the said John Bidwell but against no other persons.

In witness whereof I have hereunto set my hand and seal the 27th day of October 1849

"Note" Forty six words erased before signing on the first page and the words lands claimed by John James interlined instead in the description of boundary.

The covenants in this indenture is understood by and between the parties that in case there should be a superior claim and Chapman and Marcuss should be obliged to yield to a superior claim

The money paid for the described lands & premises will be refunded to the full amount

A. Bidwell. {Seal}
Administrator for
Edward A. Farrell

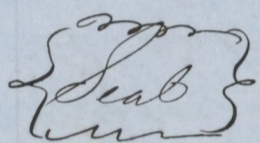
Sealed & delivered in }
the presence of }
S. C. Hastings }
H. Bigelow }
}

Territory of California }
District of Sacramento } J

398 ND
PAGE 53

Be it remembered that
On this 27th October 1849 before me came John
A. Bidwell whose name is subscribed to the
within and foregoing deed as having executed the
same and acknowledged the same to be his free
act and deed for the purposes therein men-
tioned.

In testimony whereof I have hereto set
my hand and affixed my private seal



J. S. Thomas Judge
Sac Dist. California

Filed in Office Jan 26th 1854
Geo Fisher Sec.

"Deed"

This Indenture made and concluded
this Eleventh day of April in the year of our
Lord One thousand Eight hundred and fifty
Between John A. Popu of San Francisco of the
first part and George G. Popu Trustee for Orer-
ton Charles Popu of said San Francisco of the
Territory of California of the second part.
Witnesseth that the said John A. Popu for
the sum of One Hundred Dollars in hand
paid by the said George G. Popu Trustee for
Orerton Charles Popu at or before the signing
of these presents, the receipt whereof is hereby
acknowledged has granted bargained, sold
and conveyed, and by these presents do grant
bargain and sell release and convey unto
the said George G. Popu Trustee for Orerton
Charles Popu the undivided Four, One hundred

and eighty sixths of a grant or tract of land; Excluding and not comprehending nor intending to convey the Town of Butte City as surveyed by R. A. Chase situated on the said grant or tract situate in Upper California and bounded as follows (viz): Bounded on the North West by the old grant of Edwards A. Farrell on the North East by lands of Samuel S. Mensley, on the South East by lands claimed by John James, on the West by the Sacramento river, making or consisting of Four square legs: the said land is known by the name of ("Elano Seco") Dry plain granted to Sebastian Hayden the original grantee of the Mexican Government, which said tract or parcel of land, derived to said Pope from Orrin Farnham by deeds bearing date the twentieth day of March A.D. One thousand Eight hundred and fifty, and in record in Book of Deeds "D" pages 48 & 49.

To Have and to hold the aforesaid granted and bargained premises, with all the rights privileges and appurtenances thereunto belonging and all the issues thereof unto the said George G. Pope Trustee for Creston Charles Pope his heirs and Executors and administrators and assigns forever, and the said John F. Pope for himself his heirs, Executors & administrators and assigns does by these presents warrant and defend the said George G. Pope Trustee for Creston Charles Pope his heirs and assigns to the title to the said premises as above described from himself his heirs and assigns for ever to his use and behalf forever.

In Witness whereof the said John F. Pope

55

has hereunto set his hands and affixed his seal
the day and year above written

John F. Pope {Seal}

Signed sealed & delivered
in presence of

L. F. Wilson

John Hastin

W^{mo} Logan Rodman

398 ND
PAGE 55

State of California }
County of San Francisco }

Be it remembered that
On this 18th day of June 1850 before me a Notary
Public in and for said County appeared John F.
Pope, proven to me to be the person mentioned
and described in and who executed the with-
in conveyed by the Oath of Luther F. Wilson
a competent and credible witness for that pur-
pose by me duly sworn and the said John
F. Pope acknowledged that he executed the
same freely and voluntarily for the uses & pur-
poses therein mentioned.

Filed in Office
Jan 26th 1854
Geo Fisher

In witness whereof I have hereunto set my
hands and seal of Office this 18th day of June
1850.

Thos. Jeff. Smith
Not Pub San Francisco

{Seal}

This Indenture made and concluded this
Eleventh day of April in the year of Our Lord
One thousand Eight hundred and Fifty
Between John F. Pope of San Francisco of the
first part and Charles J. Prehnam of said
San Francisco of the Territory of California

56

"Deed"

398 ND
PAGE 56

of the second part.

Witnesseth, That the said John F. Pope for the sum of One hundred Dollars in hand paid by the said Charles S. Brenham at or before the signing and delivery of these presents the receipt whereof is hereby acknowledged, has granted, bargained sold and conveyed, and by these presents do grant bargain sell, release and convey unto the said Charles S. Brenham the undivided five, One hundred and Eighty sixths of a grant or tract of land, excluding and not comprehending nor intending to convey the town of Butte City as surveyed by R. A. Chase, situated on the said grant or tract, situated in upper California and bounded as follows. Viz: Bounded on the North West by the old grant of Edward A. Farrell, on the North East by lands of Samuel S. Hensley, on the South East by lands claimed by John James, on the West by the Sacramento River, (making or consisting of Four square legs, the said land is known by the name of ("Delano Seco") Dry plain, granted to Sebastian Mayer the original grantee of the Mexican Government which said tract or parcel of land derived to said Pope by deed bearing date the day of A.D. One thousand Eight Hundred and Fifty, and on records in Book of Deeds.

To have and to hold the aforesaid granted and bargained premises with all the rights, privileges and appurtenances thereunto belonging, and all the issues thereof unto the said Charles S. Brenham, his heirs and Executors and Administrators and assigns forever and the said John F. Pope for himself his heirs, Executors and Administrators and assigns

5-7

does by these presents warrant and defend the
said Charles A. Frankland his heirs and assigns
in the title to the said premises as above des-
cribed from himself his heirs and assigns for
Ever to his use and behalf forever.

In testimony whereof the said John F.
Popu has hereunto set his hand and affixed
his seal the day and year above written.

John F. Popu

Signed sealed and
delivered in presence

John Macklin
Wm Logan Rodman

Filed in Office Jan 26th 1854
Geo Fisher Sec.

Deed

Know all men by these presents that I Thomas
A. Warleaf do hereby grant bargain & sell all
my right title and interest which I have
being an undivided one third of the tract of
land bounded on the west by the River Sacramen-
to on the North west by the old grant of Edw^d
A. Farnell (deceased) on the North east by
lands according to a grant to Sam^l S. Hensley
on the South East by Government lands or by lands
claimed by John James (making one undivided
third of four square leagues granted to Sa-
bastian Hayler the original grantee of the
Mexican Government and by deeds to Tho^s
A. Warleaf & Tho^s S. Chapman from John Bid-
well and John Bidwell as the Administrator of

58

Edward A. Farnell (Deceased) as recorded in Sacramento City in Book A. Pages 329. 330 331. Oct 31st 1849 For the full and just sum of three thousand Dollars paid to me this, the Twenty sixth day of May A.D. 1850 (The receipt whereof is hereby acknowledged) in hand by the said John H. Warless.

398 ND
PAGE 58

To Have and To Hold unto the said John H. Warless the said piece and parcel of land with the privileges and appurtenances to the same belonging or to his heirs and assigns forever and I the said Tho^s Warless do covenant to and with the said party of the second part his heirs & assigns that I will forever warrant and defend the title to the said John H. Warless his heirs & assigns against the claims of all and every person or persons whatsoever

In testimony whereof I have hereunto set my hand & seal the day and year first above written

Thomas A. Warless {seal}

Signed Sealed & delivered in presence of John F. Morse

On this 17th day of August 1850 personally appeared before me L. A. Birdsell to me known to be the person described who executed the within on the day and date as specified and acknowledged before me that he executed the same for the purposes therein mentioned freely & voluntarily

L. A. Birdsell
Recorder of Sacramento
County California

{seal}

Filed in Office July 26th 1854
Geo Fisher Sec.

59

This Indenture made and concluded this Eleventh day of April in the year of Our Lords One thousand Eight Hundred and Fifty

Between John F. Popu of San Francisco of the first part and George G. Popu of Said San Francisco of the Territory of California of the second part.

398 ND
PAGE 59

"Deed"

Witnesseth that the said John F. Popu for the sum of One Hundred Dollars in hand paid by the said George G. Popu at or before the signing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained sold and conveyed, and by these presents do grant bargain and sell release and convey unto the said George G. Popu the undivided Eighth, One hundred and eighty sixths of a grant or tract of land: Excluding and not comprehending nor intending to convey the town of Butte City as surveyed by R. A. Chase, situated on the said grant or tract situated in Upper California and bounded as follows viz:

Bounded on the North West by the old grant of Edwards A. Farwell, on the North East by lands of Samuel S. Hensley on the South East by lands claimed by John James, on the West by the Sacramento River (meaning or consisting of four square leagues the said land is known by the name of "Lans Seco" Dry plain, granted to Sebastian Kayser the Original Grantee of the Mexican Government which said tract or parcel of lands derived to said Popu from Orrin Farnham by deeds bearing date the Twentieth day of March A.D. One thousand Eight Hundred and Fifty, and on record in Book of Deeds.

To Have and To Hold the aforesaid granted and bargained premises with all the rights

privileges and appurtenances thereto belong-
 ing and all the issues thereof unto the said George
 G. Pope his heirs and Executors & administrators
 and assigns forever, and the said John F. Pope
 for himself his heirs Executors and adminis-
 trators and assigns does by these presents war-
 rant and defend the said George G. Pope
 his heirs and assigns in the title to the said
 premises as above described from himself his
 heirs and assigns for ever to his use and
 behalf forever.

398 ND
 PAGE 60

In Testimony whereof the said John F.
 Pope has hereunto set his hands and affixed
 his seal the day and year above written.

John F. Pope.

Signed Sealed and delivered
 in presence of
 John Martin
 Mrs Susan Rodman
 J. J. Wilson

State of California
 County of San Francisco

Do it remembered
 that on this 18th day of June 1850 before me
 a Notary Public in and for said County appeared
 John F. Pope satisfactorily proved to me to be
 the person mentioned and described in and
 who executed the within conveyance by the oath
 of Luther Wilson a competent and credible witness
 for that purpose, by me duly sworn and by the
 said John F. Pope acknowledged that he execu-
 ted the same freely and voluntarily for the uses
 and purposes therein mentioned

Witness my hand & Seal of Office this

61

18th day of June 1850

{ Sent }
{ }
{ }

Thos Jeff. Smith
Not Pub. San Francisco

Filed in Office Jan 26th 1854
Geo Fisher. Sec.

398 ND
PAGE 61

"Deed"

This Indenture made and concluded this Eleventh day of April in the year of our Lord One Thousand Eight Hundred and Fifty Between John F. Pope of San Francisco of the Territory of California of the first part and John Harkin of said San Francisco of the second part

Witnesseth that the said John F. Pope for the sum of One Hundred Dollars in hand paid by the said John Harkin at or before the signing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargain'd sold and conveyed and by these presents do grant, bargain and sell release and convey unto the said John Harkin the undivided fourth, One Hundred and Eighty sixths ^{14/100} of a grant a tract of land: (Excluding and not comprehending nor intending to convey the Town of Butte City as conveyed by R. A. Chase) situate in Upper California and bounded as follows viz:

Bounded on the North west by the old grant of Edwards H. Farnell, on the North East by lands of Samuel J. Hensley, on the South East by lands claimed by John James, on the West by the Sacramento River, (making or consisting of Four square legs; the said land is known by the name of (Hans Lee) Dry Plain granted

62

to Sebastian Haysler the Original grantee of the Mexican Government, which said tract or parcel of Land derived to said Pope from Orrin Farnham by Deed bearing date the Twentieth day of March A.D. One thousand Eight hundred and fifty and on record in Book of Deeds

398 ND
PAGE 62

To Have and To Hold the aforesaid granted and bargained premises with all the rights, privileges & appurtenances thereunto belonging and all the issues thereof unto the said John Harkin his heirs and Executors and Administrators and assigns forever, and the said John F. Pope for himself his heirs Executors & administrators and assigns does by these presents warrant and defend the said John Harkin his heirs and assigns in the title to the said premises as above described from himself his heirs and assigns forever to his use and behalf forever.

In Testimony whereof the said John F. Pope has herunto set his hand and affixed his seal the day and year above written

John F. Pope {Seal}

Signed sealed & delivered
in presence of
Edward Crocker
C. Morrill
L. S. Wilson

State of California
County of San Francisco

Be it remembered that on this 18th day of June 1850 personally appeared before me a Notary Public in and for said County John F. Pope satisfactorily proved to me by the oath of L. S. Wilson a competent & credible witness

for that purpose by me duly sworn to be the per-
son mentioned and described in and who ex-
ecuted the foregoing instrument and the said
John F. Pope acknowledged to me that he ex-
ecuted the foregoing instrument for the uses &
purposes therein mentioned.

398 ND
PAGE 63

In witness whereof I have hereunto set
my hand and affixed my seal of Office this
18th day of June 1850.

Thos. J. Smith
Not Pub
San Francisco

{Seal}

Filed in Office Jan 26th 1854
Geo Fisher Sec.

This indenture made and concluded this
Twentieth day of March in the year of Our
Lord One thousand Eight hundred and fifty
Between Orrin Farham of San
Francisco of the first part and John F. Pope
of said San Francisco of the Territory of Cal-
ifornia of the second part.

Witnesseth. That the said Orrin
Farham for the sum of three thousand \$3000
Dollars in hand paid by the said John F.
Pope at or before the signing and delivery of
these presents, the receipt whereof is hereby
acknowledged has granted bargained,
sold and conveyed and by these presents
do grant bargain sell release and con-

"Deed"

64

398 ND
PAGE 64

very unto the said John F. Popu the undivided
 one sixth of a grant or tract of lands
 situate in Upper California and bounded
 as follows (viz: Bounded on the North West
 by the old grant of Edward A. Farwell
 on the North East by lands of Samuel S.
 Husley on the South East by lands claimed
 by John James, on the west the Sacramen-
 to river (making or consisting of four square
 leagues, the said land is known by the name of
 (Hans Dees) Dry plain, granted to Sebastian
 Kayser the original Grantee of the Mexican
 Government which said tract or parcel of
 land derived to said Farnham from Bayne
 Simmons by his Attorney Frederick Billings
 Titus Hutchinson John F. Popu and William
 H. Stowell by Deed bearing date the Twenti-
 eth day of December in the year of Our
 Lords one Thousand Eight Hundred & forty nine
 Recorded in Book D. pages 48 & 49 (No 1142)
 Sac Dist Cal.

To Have and to hold the aforesaid granted
 and bargain premises with all the rights
 privileges and appurtenances thereunto belong-
 ing and all the issues thereof unto the said
 John F. Popu his heirs and executors and ad-
 ministrators and assigns forever, and the said
 Orrin Farnham for himself his heirs execu-
 tors and administrators and assigns does by
 these presents warrant and defend the said
 John F. Popu his heirs and assigns in the
 title to the said premises as above described
 from himself, (my heirs and assigns forever
 to his use and behalf forever.

In Testimony whereof the said Orrin
 Farnham has hereunto set his hand and
 affixed his seal the day and year first
 above written

65-

above written.

Orrin Farnham

Signed sealed and
delivered in presence of
John Hoskin
O.S. Ross

398 ND
PAGE 65

State of California }
County of San Francisco } P

On this 19th day
of June 1850 before me a Notary Public in
and for the County of San Francisco person-
ally came and appeared Orrin Farnham,
Satisfactorily proved to me to be the person
described in and who executed the within
Instrument by the oath of O.S. Ross a Com-
petent and credible witness for that purpose
by me duly sworn, and he the said Orrin
Farnham acknowledged before me that he
executed the same freely and voluntarily
for the uses & purposes therein mentioned

In witness whereof I have hereunto set
my hand and affixed my seal of Office
this 19th June 1850.

{Seal
{over

Thos. Jeff. Smith
Notary Public in and for the
C. of San Francisco

Filed in Office Jan 26th 1854
Geo Fisher Sec.

66

State of California Probate Court
Sacramento County 3rd Term 1853

398 ND
PAGE 66

"Doubt"
or
Letter of Administration

Thomas A. Marcellus is
hereby appointed Administrator of the Estate
of John A. Marcellus Deceased

Witness Lewis B. Harris Clerk of
the Probate Court of the County of Sacramen-
to with the Seal of the Court affixed the 16th
day of July 1853

Seal
(over)

L. B. Harris Clerk
By J. A. Southmayd Deput

Filed in Office Sept 19th 1854
Geo Fisher Sec.

67
Opinion of Charles J. Benham & al. vs. For the place
Bounded by The United States Called Llano Seco
Com. Feech. In Butte County
Containing four square
Leagues of Land.

398 ND
PAGE 67

This claim is based on a grant to Sebastian Kaysa. The evidence shows that in 1844 he applied to the Governor for a grant of the land, that in July of that year Governor Micheltornu made an order for the provisional occupation of the premises by him, and that he received in September 1845 a copy of the General title (so called) and became entitled to the benefits of it, the character & effect of which was fully considered in the opinion delivered in case No. 196; that he subsequently applied to the Governor on the 1st October 1845 received a grant in the usual form which was on the 8th day of the same month approved by the Departmental Assembly.

The petitioners in deeding their title from Kaysa alleged that he conveyed the entire tract of land to Edward A. Fawcett on the 10th day of November 1844; that said Fawcett conveyed to John Biewell one undivided half of said land on the 4th day of April 1845. That said Biewell conveyed this interest to Thomas & Chapman and Thomas A. Marbes October 25. 1849, and that said Chapman and Marbes became the owners of the other undivided half by conveyance made to them on the 25th day of October

1849 by John Bidwell as Administrator of the Estate of said Edward A. Farwell then deceased.

The Conveyance from Kuper to Farwell is proved and also that to Chapman and Alabas made by Bidwell in his own right.

In proof of the conveyance from Farwell to Bidwell a document is filed to which the name of Farwell is attached; but no evidence of its genuineness is given. Original dees to be available as evidence must be proved like any other document, except where the Statute has otherwise provided.

The Statutes of California concerning Conveyances (Laws of Cal 517 Sec 27) authorize the recording in evidence without further proof of Conveyances which are dearly acknowledged or proved and certified as prescribed in the act; but this instrument has no certificate of any acknowledgment or proof attached to it, and is therefore not made evidence by the Law.

A Copy of this document is also presented, certified by the Recorder to be a true Copy of an instrument or Conveyance recorded in the Recorder's Office of Sacramento County. This copy is also insufficient and unavailable to prove the Conveyance from Farwell to Bidwell.

The Statute above referred to authorizes the recording of such Conveyances only as have the proper Official Certificate attached to them of dearly acknowledged

-ment or proof of Execution as Specified in the Law, and Copies of such instruments duly Certified are made proofs in the Courts - The Recorder has no right to spread on his Records any instrument not accompanied with the proper certificate, and if he does so it gives no sanction to such instrument, nor is a Certified Copy of it admissible in Evidence under the Law - This is a principle well settled by repeated judicial decisions -

The instrument purporting to be signed by Fairwell has no such certificate attached and is therefore not entitled to be recorded under the Law, and the Law therefore does not make Evidence.

As the instrument presented bears no date anterior to the Conquest of the Country by the Americans (April 11 1845) it may be asked whether the provisions of the California Statute above cited relating to Conveyances, made while the Mexican Authority was still in force here, does not operate on this case, so as to make either this Original or the Certified Copy admissible without further proof, in Evidence - The 11 Section of the Act authorizes the recording of Conveyances made before that time, but restricts it to those which were acknowledged or proved according to the Laws in force at the time of their Execution and the Acknowledgment of (or) proof thereof & it also gives to the Original thus acknow-

witnessed or proved the same fact as evidence as if executed and acknowledged under the Act.

Conveyances under the Law in force in Mexico were usually made with great formality, the parties appearing before a Notary Public, a Judge or an Alcalde, with witnesses called to attest the proceedings -

398 ND
PAGE 70

The original writing signed by the parties was retained by the Officer and a certified ^{copy} delivered to the grantee as the evidence of his title - This document had the character of a public writing and was without further proof, evidence in all cases of litigation -

This formality was not indispensable to the sale of lands, nor was such a formal document needed to convey title - Real Estate passed very much in the same manner as personal property and the evidence of the sale of lands might be committed to the most simple instrument signed by the grantor -

But while public writing was admissible as evidence without further proof a mere written statement or acknowledgment of the sale and conveyance of land had no such effect. Its genuineness must be proved like that of any other document before it could be made evidence of the conveyance.

The provisions of the Statute of California were evidently intended in their operation upon instruments of conveyance made under the Mexican authorities to secure to the

grantees as ample rights as they would have had if no change of jurisdiction had taken place. These all conveyances being the sanction of a proper Officer that they were acknowledged or proved before him according to the Law in force at the time, may be used without further proof as instruments of Evidence in our Courts, and be recorded in our books of Registration, but conveyances like that now under consideration, which were executed before no public Officer, and bear no official authentication are not entitled to be used in Evidence or spread upon the public records. The instrument would not have been Evidence before a Mexican Tribunal without proof of its due Execution by the Signor, and it is not made so in our Courts by any provision of the Statute.

Neither the Original nor the Copy certified from the records can be used to establish a conveyance from ^{of} Farwell to Bidwell.

The conveyance made by Said Bidwell, describing himself as Administrator of Edward ^{of} Farwell deceased, of the undivided half of Said premises to Said Chapman, and likewise is given in Evidence, no proof is given hereunder tending to show that Bidwell ever obtained letters of Administration on Said ^{of} Farwell's Estate, or that he had authority in any Capacity to convey the interest of Said Farwell in the

premises, Nothing appears then to have
passed by this deed.

The several interests
of the petitioners are all cleared through
the two conveyances last above mentioned
but as neither of these is established
as a conduit of title they have failed
to establish ownership in the premises

398 ND
PAGE 72

An adverse decree must conse-
quently be entered.

Rejected

Filed in office Sept. 25. 1855

Geo. Fisher Secy

Charles J. Brenham vs

Decree

The United States

In this case on

hearing the proofs and allegations it is agree-
d upon by the Commission that the claim of the
said petitioners is not valid; and it is therefore
decided that their application for a confirma-
tion thereof be denied —

Alpheus Selch
R. A. Thompson
S. B. Fairwell

Commissioners

And it appearing to the satisfaction of the Board
that the land hereby adjudicated is situated in the
Northern District of California It is ordered that two
transcripts of the proceedings and decision in this case
and of the papers and evidence upon which the same are
founded be made out and duly certified by the
Secretary one of which shall be filed with the clerk
of the United States District Court for the Northern
District of California and the other be trans-
mitted to the Attorney General of the United
States

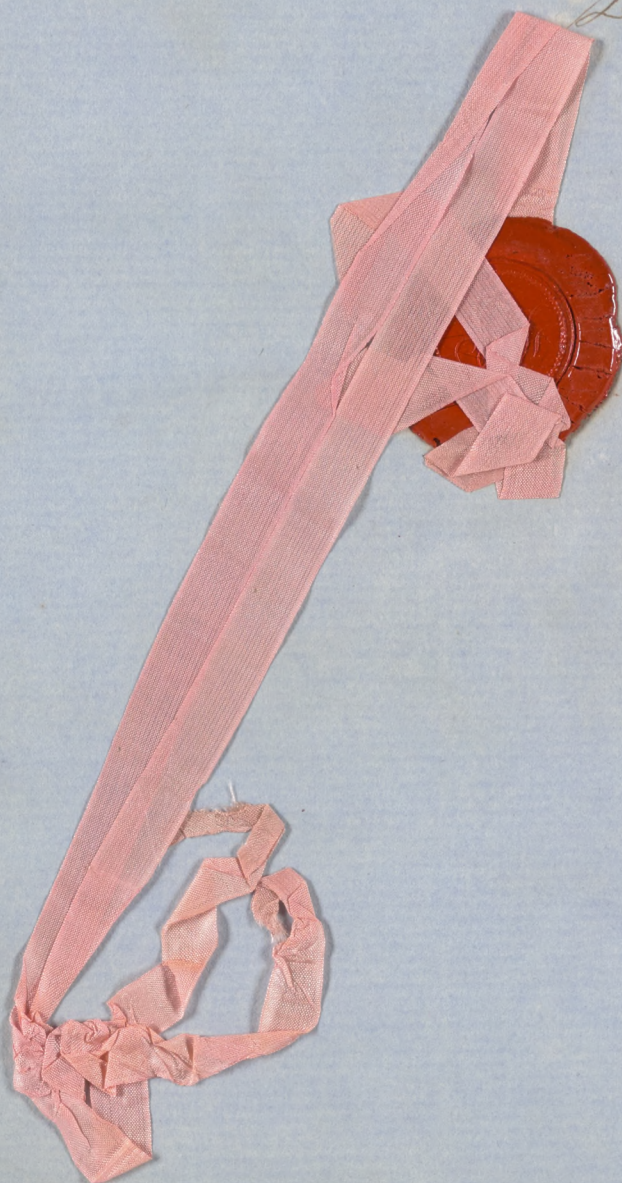
Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims in the State of California.

398 ND
PAGE 73

I, *George Fisher* — Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing *Seventy two* — pages, numbered from 1 to *72*, both inclusive, to contain a true, correct and full Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the Witnesses, upon which the same is founded, on file in this Office, in Case No. *289*, on the Docket of the said Board, wherein

Charles S. Brenham, et al, are the Claimants against the United States, for the place known by the name of "*Solano Seco*."



In Testimony Whereof, I hereunto set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this *Twenty sixth* — day of *January* A. D. *1856*, and of the Independence of the United States of America the ~~seventy~~ *eighty*th.

Geo. Fisher
[Signature]

398

U. S. DISTRICT COURT,
Northern District of California.

No. 398-

THE UNITED STATES

vs.

Charles J. Brenham,
et al.

TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS.

In Case No. *289.*

Filed, *January 30* 1856

J. A. Monroe,
Clk

No 398

In the United States District Court for the
Northern District of California

398 ND

PAGE 74

C. J. Brenham et als, appellants "Llano Seco"
vs. } Transcript from
The United States, appellees } Com. No 289

Notice of intention to prosecute appeal.

Charles J. Brenham and others, claimants
for the land known by the name of
"Llano Seco", situate in the Northern District
of California and within the jurisdiction
of this court, hereby give notice of their
intention to prosecute an appeal from the
decision of the Board of Commissioners
rendered in their claim for said land
which was presented to the said Board
and by them rejected; their claim being
that which is numbered on the docket of
said Board No 289, and the Transcript
whereof as filed in this office is numbered
No 398.

Skull & Peckham & Billings
Attys for appellants

No 398
United States Dist Court
Northern Dist of Colo,

C. J. Brennan et al. Appellants
vs.
The United States, appellees
~~~~~  
Notice of intention to  
prosecute appeal,

Filed March 26th. 1886,  
by Charles  
Deputy.

398 ND  
PAGE 75

Hull & Peckham & Pillsbury  
Attys for appellants  
one

No 398

In the United States Dist. Court, Northern Dist. of California.

398 ND  
PAGE 76

C. J. Brennan et al. appellants } Transcript No 289.  
vs. } "Llano Seco" 4 1/2 leagues  
The United States, appellees } Petition on appeal.

Your petitioners, the appellants in the above entitled cause, Thomas L. Chapman for himself; Thomas H. Warhop, as administrator of the estate of John H. Warhop, deceased; Frederick Billings, James R. Bolton and Henry W. Halliker, as assignees of Simmons Hutchinson & Co; and John Hopkins, Charles J. Brennan and George G. Pope for themselves, and George G. Pope as trustee for Overton Charles Pope, respectfully shew unto this Honorable court:

That on the 17<sup>th</sup> day of August A D 1852 they filed before the Board of Commissioners their petition praying for confirmation of title to the land called "Llano Seco" situate in the Northern Judicial District of California, which petition is hereby referred to for a description of the land claimed; and that on the 25<sup>th</sup> day of September A D 1855 the said Board of Commissioners decided upon the validity of said claim and rejected it.

And your petitioners further shew that a Transcript of the proceedings and evidence in the aforementioned claim before the said Board of Commissioners was filed in the office of the Clerk of the United States District Court for the Northern District of California on the 30<sup>th</sup> day of January A D 1856, and that a notice of the

intention of the claimants to prosecute the appeal from the decision of said Board of Commissioners was duly filed in the office of said clerk of said court on the 26<sup>th</sup> day of March A.D. 1856.

398 ND  
PAGE 77

And your petitioners pray this Honorable court to review the decision of the said Board of Commissioners, and on the hearing of said cause to reverse said decision, and to confirm to them their title to the aforesaid tract of land.

Stalckey, Peachy & Billings  
Attys for appellants

No 398,  
In the U.S. Dist Court  
Northern Dist. of Cal.

C. J. Brennan et al appellants  
and

The United States, appellees

~~~~~  
Petition for Review
~~~~~

Filed Dec: 15, 1856,  
W. H. Chewers,  
Deputy.

398 ND  
PAGE 78

Hallen & Reachy & Billings  
Attys for appellants.  
E. W.

In the District Court of the United States, for the Northern District of California.

The United States }  
Appellees } No 398.  
vs }  
C. J. Brenham et al. }  
Appellants }

The United States by their Attorney deny the validity of the title set out in the petition of the said Appellants; And pray that the decision of the Board of Commissioners be affirmed, and that the said title be decreed to be invalid.

Wm Blomding  
Dist Atty.

No. 398.

The United States

The U. S. Dist Court

vs

The United States  
appellee

v

C. J. Prentiss et al  
appellants

Answer

Answer

Filed Dec: 16. 1856.  
W. H. Cherris,  
Deputy,

398 ND  
PAGE 80

Am. Standing  
Sherris, U. S. D. atty.

No 298.

In the United States District Court in and for the  
Northern District of California.

Charles S. Brenham, et als  
Appellants.

vs  
The United States.  
Appellees.

Transcript No 289.  
"Llano Seco"  
4 Square Leagues.

Frederick Billings being duly sworn, deposes  
and says: He is one of the claimants of record in the above  
intitled cause, as apignie of Simmons Hutchison & Co. but  
in no other respect, except as such apignie, has he any  
interest in this cause.

Deponent further says that as he is in-  
formed and believes, in or about the Month of July or August  
AD 1849. the Scholoraft then first Alcalde and act-  
ing as Judge of First Instance and of Probate, issued to  
John Bidwell Letters of Administration in the Estate of  
Edward A. Farnell, deceased, that said Court duly authorized  
and ordered said Bidwell, to sell at public auction, the  
right title and interest of the Estate of said Farnell, in the  
land or Rancho called "Llano Seco" and that his successor in  
office one Thomas duly approved of such sale, when  
made and reported to said Court, all of which was duly  
recorded in the proper records of said Court, in and for  
the then District or jurisdiction of Sacramento, in which  
District the said Rancho of "Llano Seco" was situate; that on  
the organization of the State Government, and of Probate Courts,  
under the Constitution of California, in 1850. the Probate  
Judge of Sacramento County, recognized the said Bidwell



as the Administrator of the Estate of said Parrnell, deceased, and audited and settled his accounts as such Administrator, and distributed the proceeds of the sale of said "Lamo Seco" rancho among the legal heirs of said Parrnell; all of which appears from the records of said Probate Court, a duly certified copy of which is submitted herewith and marked "Exhibit X"

And deponent further says that, he is informed and believes it to be true, that the records of said Alcalde Court of the District or Jurisdiction of Sacramento were never transferred to the Probate Court on its organization in the said County of Sacramento nor afterwards, nor to any other office of record, but that they were burned and destroyed in the City of Sacramento in the year 1850. and in consequence thereof the claimants in this case can produce no certified copies of said records; that deponent has caused diligent search to be made for said records of said Alcalde's Court of the then District of Sacramento, but that they cannot be found by reason of having been burned as before stated.

And deponent further says, that he is informed and believes, that said Schoolcraft is dead, and that one Thomas, who was his successor in office in the year 1849, removed from this State in the year 1850. and has never since returned.

And deponent further says, that in consequence of the facts and circumstances as above stated, the claimants in this case are unable to produce the records of the proceedings of said Court, of said District of Sacramento by which the said Bidwell was made Administrator of the Estate of said Parrnell, deceased, and the sale of said

"Sanco Bico" rancho was ordered and approved, or any copy of said records; or to prove their contents by the Alcalde or Alcaldes who made them.

Subscribed & sworn Indrick Billings

to before me this 18 April 1857

Butler McLister

U.S. Com.

The final settlement, John Bidwell Administrator of the Estate of the late Edward A. Farewell dec<sup>d</sup> Made and Completed May 11<sup>th</sup> 1858.

1849 Said Administrator Charges himself with the Appraised valuation of 2 1/2 leagues of land situated on the Sacramento River below and adjoining Chico Creek \$1000.00

And also two (2) Square leagues of land adjoining the above described tract of land of the value of \$800.00

And also one Square mile of land situated on the Feather River of the Appraised valuation of \$600. \$600.00

And also an account against one J. Lossen of 116.00

And also the excess of Sales on or over & above the Appraised valuation of said land to the amount of 2400.00

And also a claim against one J. A. Sulter of the value of 77.51

\$4993.51 \$4993.51

Said Administrator Charges said Estate with his own accounts against said Estate on indebtedness contracted with said Administrator in the life time of said Farewell to the amount of

in the year 1848. 7. 6. & 5 \$800.00

Amount paid Auctioneers 250.00

Paid J. H. Green \$16.25

Paid J. J. Hensley 72.62

Paid J. C. Lemmons 736.94

Paid for Transfer & Deeds 46.00

Paid for Printing, publication &c 35.00

Amount against J. Lossen as charged above not recoverable 116.00

Said Administrator Charges said Estate for his services as said Administrator 500.00 \$2577.81

May 11<sup>th</sup> 1850

2295 20

\$ 4993. 57

\$ 2577. 81

\$ 2415. 71

Two thousand four hundred & fifteen Dollars and  
Seventy cents the amount in the hands of the  
Administrator Subject to distribution

State of California

Sacramento County

Personally appeared before the  
undersigned officer John

Bedwell who being duly sworn by me makes oath  
and says that the above and within is a just and  
true account of all the effects & property of the  
Estate of Edward A. Farewell that came into his  
hands as the Administrator of said Estate, and  
that he has in good faith to the best of his ability  
managed the affairs and business of said Estate  
as above set forth.

J. Bedwell

Sworn to & Subscribed before  
me the undersigned Judge of  
the Probate of said County  
this 11<sup>th</sup> day of May 1850.

Edw. J. Willis

Friday Morning May 17<sup>th</sup> 1850

Court opened pursuant to adjournment.

Present Edward J. Willis Probate Judge

The Estate of Edward A. Farewell dec'd

John Bedwell

Administrator of all and singular the Estate of  
Edward A. Farewell Dec'd. Having produced his  
account upon the Administration of the Estate of  
said deceased from which said account there  
appears to be in the hands of said Administrator  
a balance of two thousand two hundred and  
seventy five dollars and twenty cents which

account is approved. It is therefore ordered by

398 ND

PAGE 85

Twenty five dollars and twenty cents which

account is approved - It is therefore ordered by the court that the said Administrator distribute said sum among the legal heirs of said deceased Equally.

State of California }  
Sacramento County }

I Charles N. Bradford Clerk

of the Court of Probate in

and for said County acting by John Allan South-

Mayr Deft hereby certify the foregoing account

was filed in my office May 11<sup>th</sup> 1850 and the

order of Court entered thereon May 17. 1850. as it

it appears of Record in this Office, and that

the same are truly Transcribed from said

records.



Given under my hand and Seal of the Court aforesaid at Office in the City of Sacramento, County and State aforesaid this 24<sup>th</sup> day of January A. D. 1856.

C. N. Bradford Pro. Clk

By J. A. Southmayr Deft

398 ND  
PAGE 86

No 398

Cost of

Edward A. Farewell

— Finance —

And Deere of Distribution

Copy

"Exhibit X" annexed to  
appt of J. Billings

398 ND  
PAGE 87

F. 1.50

398  
~~No 398~~

In the U. S. Dist Court  
Northern Dist of Colo.

C. J. Brennan et al  
Appellants

vs

The United States, Appellees

Asst of T. Billings

Filed April 18. 1857.  
W. H. Cheney,  
Deputy.

398 ND  
PAGE 88

Four

6. J. 1857

UNITED STATES DISTRICT COURT,  
Northern District of California.

398 ND  
PAGE 89

San Francisco, April 13 1857

ON this day, before *John McAllister* a  
Commissioner of the United States for the Northern District of California, duly  
authorized to administer oaths, &c., &c., came  
*John Bidwell* - a witness produced on behalf of the  
*Claimants*  
in Case No. *398*, being an appeal from the Board of Commissioners to ascer-  
tain and settle the Private Land Claims in the State of California, in Case  
No. *289* on the Docket of the said Board of Commissioners, and was duly  
sworn and testified as follows — ~~his evidence being interpreted by~~  
~~a sworn interpreter~~

PRESENT:

*H. M. Halleck, Esq for Claimants*  
*and the U.S. Dist Atty* -

QUESTIONS BY

*Atty for Claimants*

Ques 1- Your name, age, & place of residence  
& how long have you been in California  
-

Ans 1- John Bidwell - 37 - Chico, Butte  
County, I have been in California  
since 1841 -

Ques 2<sup>d</sup> Did you know Edward, A.  
Farnell, if so is he living?

Ans 2<sup>d</sup> I knew Edward, A. Farnell - he  
is not living, he died in December  
1848 or January 1849 - in California -

Ques 3- Was there any administra-  
tion upon his estate, & if so ~~was~~ who

was Administrator, and by whom appointed?

Ans 3 - Yes there was administration on his estate, I was administrator I was appointed by Judge Schoolcraft, Alcalde of the District of Sacramento - I was appointed about the 20 July 1849 -

Ques 4 - Did you as Administrator sell & convey the interest of said Harwell in the Rancho called "Lans Sec" & if so by whose orders in what manner, at what time, & where?

Ans 4, I as Administrator sold his interest in said Rancho, at public Auction & in the City of Sacramento in October about the 20 or 25, 1849, after giving 3 months notice in the only paper published in Sacramento at the time called the "Placer Times" I was directed by the Alcalde, to give above notice & make said sale -

Ques 5, Did you make return of said sale for approval & if so to whom, & was said sale approved or not?

Ans 5 - I made the return to Judge Thomas, who was the Successor of Judge Schoolcraft immediately after the sale, and said sale was approved by him -

Ques 6 - Did you make any final return, <sup>& settlement</sup> as such Administrator



& if so to whom was said return made & when?

Ans 6,

I made a final return and settlement as said Administrator to Judge Hillis, who was first Probate Judge of Sacramento County under the State Government, the return & settlement were both made in May, 1850.

Ques 7,

Do you know whether the Alcalde<sup>about</sup> mentioned, Schoolcraft & Thomas, are living in this State

Ans 7,

They are not living in this State, at the present time. Judge Schoolcraft is dead he died five or six years ago, Judge Thomas left the State in 1850 & has not returned to it since to my knowledge -

Ques 8,

Have you in your possession or can you produce, your appointment as Administrator, as aforesaid by Judge Schoolcraft - Or the order of sale referred to?

Ans 8,

I have neither of them - Do not know what has become of them, they were left with Judge Schoolcraft - & I suppose were on file in his office -

Ques 9,

Do you know what ever became of the original records and books of Judge Schoolcraft as Alcalde -

Ans 9,

I do not know what became of them, but I have always heard

that they were all destroyed by the fire in Sacramento in 1850 or 1852

July 10

Were the proceeds of the sale of Harrell's estate before mentioned ever paid or distributed to the heirs under the order of Judge Willis to which you have referred?

They were -

Aug 10

Aug 11

Do you know the hand writing of the said Edward A. Harrell, <sup>son of John Townsend</sup> and if so what is your means of knowledge?

Aug 11

I do - I have seen him write his name - I was acquainted with him several years and acted as his Agent several years - I also know the hand writing of John Townsend, & I have seen him write -

Aug 12

Examine the document marked "C f" & attached to this your deposition & state whether the signatures of both that document are genuine or not - ?

Aug 12

I have examined said Document & state that the signatures of E. A. Harrell & John Townsend on the first page of said document are the genuine signatures - I myself saw them write these signatures at the time the document bears date - the signature of J. Bidwell on the second page is my genuine signature -

Aug 13

Is John Townsend...

Aug 13. Is John Townsend who signed this document still living, if not?

Aug 13. He died in San Jose, in the fall of 1850, late in the fall, he died of cholera -

Aug 14. Are you acquainted with the signatures of Sebastian Kayser, William Dickey & William Benitz & if so state your means of knowledge?

Aug 14. I am acquainted with the signatures of Sebastian Kayser, & William Dickey, having seen them write - My acquaintance with ~~the~~ the signature of William Benitz is not so familiar, altho' I have seen it -

Aug 15. Examine document marked "A.B" and say whether you recognize the signatures thereto, & whether they are genuine?

Aug 15. I recognize the signatures of William Dickey, and Sebastian Kayser on the second page of said document, as their genuine signatures. I am not so certain of the signature of W. Benitz but I believe it to be his genuine signature - The signature of J. Bidwell on the third page is my own genuine signature -

Aug 16. Are Dickey & Benitz residents of this State, at the present time?

Aug 16. Mr Dickey is not at present in this State, he is residing in Pennsylvania - I think Benitz

is in this State -

June 17

Examine document marked "D.C." and attached to this your deposition & say whether the signature of J. Bidwell on the second page of said document is your genuine signature, & whether it was signed at the time it purports to bear date - ?

398 ND  
PAGE 94

Aug 17

I have examined the document referred to, & find the signature of J. Bidwell on the second page to be my genuine signature, it was signed at the time it purports to bear date.

J. Bidwell  
I now subscribe  
before me this 13<sup>th</sup> April 1857,  
— Arthur H. Wallister  
Notary

"C. J."

Know all men by these presents that I Edward  
A. Farwell do hereby give grant and convey  
the right, title, and interest which I have  
or may hereafter have <sup>one half of</sup> in the tract of land  
petitioned for by Sebastian Hoyseser under the  
name of the Llano Seco, unto John Bidwell  
on the following conditions: viz. That  
John Bidwell is to be to all the trouble  
expense of obtaining the proper & valid title  
to said land from the Departmental Govern-  
ment. In witness whereof I here  
set my hand & seal, on this the 14<sup>th</sup>  
of April 1845.

Witness

John Townsend

E. A. Farwell

"

398 ND

PAGE 95

Know all men by these presents, That I John Bidwell for my  
self my heirs executors and administrators Transfer all my  
rights in the within and or otherwise to J. J. Chapman and  
J. A. Grubbs for the sum of Sixteen hundred & fifty dollars  
as appears in a deed made to them this day

398 ND

PAGE 96

Sacramento City - Oct 27<sup>th</sup> 1849

Witness

J. P. Bidwell

J. C. Hustis  
Attorney at Law

Territory of California }  
District of Sacramento }  
27<sup>th</sup> day of October A. D. 1849

before me came J. Bidwell  
whose name is subscribed to the within and foregoing deed  
as a party thereto and acknowledged the same to be his free act  
and deed for the purposes therein mentioned

Given under my hand and private seal the day & year of aforesaid

Thomas Judge  
Sec. Dist. California

Recd  
from Cole Parvill to  
John Brewell & Trans  
for from said Balance  
to Chapman & Washburn

---

Recd for Registering  
Oct 30<sup>th</sup> 1849 and loss  
duly Recorded in Book  
A. Page 328  
(No 327)

Henry A. Schoolcraft  
Recorder  
San. City California  
for Geo. S. Parker

398 ND  
PAGE 97

No 289

N. B. Land Commission

Claim of C. J. Breckham et al  
To "Lana Seco"

Deed from E. A. Farnell  
To John Bidwell  
And from John Bidwell  
To Chapman & Washoff

4 April / 1855

Filed in office Jan. 26. 1854.

Geo. Fisher

398 ND  
PAGE 98

Recorded in Record of  
deeds Vol 21 pages 254 to  
255  
Geo. Fisher

Halliburton & Billings



New Helvetia April 11. 1844

"AB"

(69)

398 ND

PAGE 99

Now all men by these presents that Sr Sebastian Wyser hereby gives grants bargains sells and conveys unto Edward & J. Farnell His Heirs and assigns all the right title and interest that I have or hold in the land granted to me by the government of California and lying in the valley of the Sacramento the same being bounded as follows on the west by the River Sacramento on the North by lands belonging to the said Farnell on the East to Government lands and on the South by lands claimed by John

James the same containing  
four Leagues being two Leagues  
on every Side for and in Consider-  
ation of the Sum of Seventy five  
Dollars to be paid in Meifors Vacities  
at the rate of five dollars each  
The papers for the said Land I do  
give to the said Farwell and with  
them the right to hold the Land in  
my Name and will defend the same  
to the said Turner his Heirs &c  
against all Claims whatsoever

398 ND

PAGE 100

In Witness Whereof I have  
hereunto set my hand & Seal this  
10<sup>th</sup> day of November in the year  
our Lord one thousand eight hundred  
forty four  
Wm. B. B. Duffin  
W. B. B. Duffin

Know all men by these presents, That I John Bidwell for myself  
my heirs & executors and administrators as the lawful adminis-  
trators of Isaac A. Farwell deceased I transfer all the rights of  
the said Isaac A. Farwell in the within area to J. S. Chapman  
& J. A. Warbass for the sum of Twelve hundred & fifty dollars  
as appears in a deed to them made this day  
Sacramento City Oct 27/49

Witness

J. Austin  
W. Sigelom

J. Bidwell  
Administrator for  
I. A. Farwell

398 ND

PAGE 101

Territory of California }  
District of Sacramento } p

Be it remembered that on this  
27<sup>th</sup> day of October 1849. before me personally came  
J. Bidwell admr &c. whose name is subscribed to the  
within and foregoing as having executed the same and  
acknowledged the same to be his free act & deed for  
the purposes therein mentioned  
given under my hand and private seal. the day & year  
aforesaid

J. Murray Judge  
S. Dist. California

Dec 70  
from Tysler to E A Furwell  
to + Transfer to  
= Warbuss + Chapman

398 ND  
PAGE 102

Records for Registering Oct. 31<sup>st</sup>  
1849 - and was duly recorded  
in Book A. pages 327 &  
38 - (No 326)

Henry A. Schoolcraft  
Recorder  
San Francisco California  
for Geo. S. Baker  
Dept.

Price \$10.00

Receipt in words of  
book to vol. 21 pages  
258 to 260—

304. Geo. Fisher  
Sey.

No 289

U.S. Land Commission

Claim of C. J. Brennan et al  
to "Llano Seco"

sent from S. Kayser  
to E. A. Fairwell

And from E. A. Fairwell  
to Chapman & Washburn.

Filed for Record Nov  
22<sup>nd</sup> 1860 at 1/2 o  
Clock PM at request  
of Capt. J. Gray Esq. and  
"Pioneer" in Deed Book  
"IV" on pages 235-236, 237  
& 238 Butte County Oregon

W. Stinson  
County Oregon  
Butte Co

Filed in office Jan. 26. 1854.

Geo. Fisher.

398 ND  
PAGE 103

Exhibit 1. to Depts. of John  
Bidwell. P.S.

Stinson

Hallistm Perry & Bellinger

received and filed  
for record December  
the 14<sup>th</sup> AD 1860  
at 8 O'clock and  
10 minutes AM,  
and recorded in  
Book "B" of Deeds  
on pages 496, 497  
498, 499 & 500  
Edusa County Oregon  
W. H. Good  
Recorder

United States Dis-  
trict Court for the  
Northern District  
of California -  
No 398

---

The United States

vs

Chas. J. Brenham et al

---

depositions of John Bid-  
well a witness produced  
on behalf of the Plaintiffs.

---

Filed April 18. 1857

N. A. Cheever  
Deputy

398 ND  
PAGE 104

Five

"D.E."

This Indenture, Made and entered into

this the Twenty fifth day of October Eighteen Hundred and forty nine. Between John Bidwell Administrator of the goods and estate, which were of Edward A Farwell late of Upper California, deceased intestate, being duly empowered of the first part and Thomas L Chapman and Thomas A Warbass of Sacramento City of the Territory of California of the second part.

398 ND  
PAGE 105

Witnesseth, That in pursuance of a sale

at public auction, and in consideration of the sum of Twelve Hundred and fifty dollars (The receipt whereof is hereby acknowledged) to me in bona fide by Thomas L Chapman and Thomas A Warbass (who was the highest bidder at the sale, for the estate hereinafter described) the party of the first part do grant bargain, sell and convey unto the said Thomas L Chapman and Thomas A Warbass their heirs and assigns forever, a parcel of land situated in Upper California and bounded as follows. Viz. Bounded on the North west by the old grant of Edward A Farwell - On the North East by the grant of Samuel J Hensley - On the South east by <sup>lands claimed by John Barnes</sup> ~~a line running parallel with the North west boundary and at such distance from the same as to divide the whole tract of Four square leagues into two equal parts of Two square leagues each.~~ On the west by Sacramento River the said ~~Two square leagues~~ being the North western half of the tract of Four square leagues granted unto Sebastian Ray and the Original Grantee of the Mexican Government.

To have and to hold the said parcel of land with the privileges and appurtenances to the same belonging, to the said Thomas L Chapman and Thomas A Warbass their heirs and assigns forever, and I the said John Bidwell do covenant to and with the said party of the second part their heirs and assigns; that I am duly empowered to convey the same to the said Thomas L Chapman and Thomas

A. Nabass as afore said, that I have in all things seen  
and the rules and directions of the law in the said  
sale, and that I will, my heirs, executors and committes  
toe shall, warrant and defend the same unto the said Tho-  
mas Chapman and Thomas A Nabass their heirs and assign-  
ees against all persons claiming the same by, from, or un-  
der the said Edward A Farwell or me the said John Bidwell  
all but against no other persons

398 ND

PAGE 106

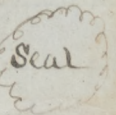
In witness whereof, I have hereinto set my hand

and seal the 27<sup>th</sup> day of Oct 1849. *Note* <sup>33</sup> Forty six words erased before signing  
on the first page and the word lands claimed by John Nabass  
intended in the description of boundary

presence of  
J C Hurst  
A Sigelom

The Covenants in this Indenture is made to  
be by and between the parties that in case  
there should be a superior claim and  
Chapman & Nabass should be obliged to yield  
to a superior claim. The money paid  
for the described lands & premises will be  
refunded to the full amount

J. Bidwell  
Administrator for  
Edward A. Farwell



Territory of California }  
District of Sacramento }

Be it remembered that on  
this 27<sup>th</sup> October 1849, before me came J. Bidwell  
whose name, is subscribed to the within and foregoing  
deed as having executed the same and acknowledged  
the same to be his free act and deed for the purposes  
therein mentioned

In testimony whereof I have hereunto set my hand  
and affixed my private seal

J. Thomas July  
Sac. Dist California



Deed  
from Edward A. Farnwell  
to Chapman & Warbass

398 ND  
PAGE 107

<sup>5<sup>th</sup></sup>  
Rec<sup>d</sup> for Registering Act  
31. A.D. 1849. and was  
duly recorded in Book  
A. Pages 329. & 30.  
(Not 328) -

Henry A. Schoolcraft  
Recorder  
San Francisco California  
for Geo. S. Baker  
Depts  
Paid \$10.00

No 398

N. S. Dist. Court,

The N. S.

vs -

C. J. Breukam,

Dep: Bidwell.

Filed April 18, 1857.

W. H. Cheres  
Deputy.

398 ND  
PAGE 108

No 289

U. S. Land Commission

Claim of C. J. Breukam et al  
to "Lamo Seco"

due from E. A. Farnell  
to Chapman & Washp.

Filed in office Jan. 26, 1854.

Geo. Fisher.

Geo. Fisher

Recorded in book of  
volume Vol 21 pages  
261 to 263  
Geo. Fisher  
Act.

Walter Peachy Billing

State of California  
County of Sacramento }

Elijah Conklin, being duly sworn deposes and says that he is Deputy County Clerk of Sacramento County and sole acting Clerk of the Probate Court of said County and that he had sole charge of the Records thereof. That he has made diligent search in the Records of said Court; that the first entry in said records is of the date of April 27<sup>th</sup> 1850, at which time the said Court was organized. That the first entry on said records touching the Estate of Edward A. Farwell deceased, is an entry of the date of May 17<sup>th</sup> 1850, which is an order upon the as =

application of John Bidwell, ad-  
-ministrator of said estate, for the  
settlement of his accounts as ad-  
-ministrator, and the distribution of  
the balance in his hands among  
the heirs of said deceased, and ap-  
-proving said account: that no  
entry appears upon the records  
of said court, nor is there any  
paper among the filed papers  
concerning said estate, touching  
the appointment of said John  
Bidwell, as administrator of said  
Estate - though there are <sup>two</sup> several  
orders <sup>and several vouchers filed by him</sup> entered on the records con-  
-cerning his administration thereof.

That there are very few of the  
old records of the Alcalde or Judge  
of First instance, <sup>of this District</sup> in the possession  
of the County Clerk of said County,  
most of them having been as depo-  
-nent is informed and believes lost  
or destroyed by fire: and that de-  
-ponent can not with the utmost  
diligence ascertain that there are  
any such records in existence other  
than those in his possession:

That deponent has carefully exam-  
-ined said records and finds no en-  
-try therein touching said estate:

Sworn & Subscribed

before me this April 10<sup>th</sup> 1859 } Elijah Conklin  
C. N. Bradford }  
clerk

No 398

In the U. S. Dist Court  
Northern Dist of Cal.

Charles J. Brennan et al  
vs.  
appellants

The U. States, appellees

Appt of E. Connelin

Laid April 25, 1857.  
W. A. Cheever,  
Deputy.

398 ND

PAGE 111

Six

No 398.

398 ND  
PAGE 112

In the United States District Court, in and for  
The Northern District of California.

Charles J. Brenham.  
Thomas L. Chapman.  
John Hoskins, George A. Pope.  
for themselves, and George A. Pope  
as Trustee for Overton Charles Pope  
and Frederick Billings.  
James R. Bolton, and Henry N. Willock,  
as Agents of Simmons Hutchinson  
& Co. and the legal representatives of  
John A. Warburton, deceased,  
Appellants.

Transcript No 289.

Stano Seco.

4 square leagues.

vs  
The United States  
Appellees.

Present. Stated Term. May 26<sup>th</sup> 1857.  
Now Ogden Hoffman Judge.

This case coming on to be heard on appeal from the  
decision of the Board of Commissioners to ascertain  
and settle Private Land Claims in the State of Califor-  
nia upon the Transcript of the proceedings and de-  
cision of the said Board and the documentary and  
other evidence upon which said decision was founded  
and also upon the evidence taken and filed in this  
Court, and counsel for the respective parties having  
been heard:

It is ordered, adjudged and decreed that the decision of the said Board of Commissioners, declaring invalid and rejecting the claim of the Appellants to the land set forth and described in their petition to said Board and the documentary and other evidence in this case, be and the same is hereby reversed.

And it is further ordered, adjudged and decreed that the title of the Appellants to the land so claimed by them is a good and valid title, and that their claim to said land be and the same hereby is confirmed.

The land of which confirmation is hereby made is situated in the former jurisdiction of Sacramento and now County of Butte, and is known by the name of 'Elano Seco' and is in quantity four square leagues, being the same land described in the grant to Sebastian Rayser, and the Map referred to therein; Provided that the said quantity of four square leagues now confirmed to the Appellants be contained within the boundaries called for in the said grant and the Map to which it refers, and if there be less than that quantity within the said boundaries, then we confirm to the Appellants that less quantity.

~~As witness my hand and seal~~  
~~W. B. ...~~

Edw. Hoffman  
U. S. Dist Judge

This decree is correct

Wm Blaine  
Dir. atty

No 398

In the United States Dist Court  
Northern Dist of Cal.

Charles J. Brenham et al  
Appellants

vs  
The United States  
Appellees

~~~~~

Seize

Filed May 26, 1857,
W. H. Cheever,
Deputy.

398 ND
PAGE 114.

Seize

At a Stated Term of the District Court of the
UNITED STATES OF AMERICA, for the Northern District of
California, held at the Court Room, in the City of SAN FRANCISCO,
on *Thursday* the *Third* day of
June in the year of our Lord one thousand

398 ND

PAGE 115

eight hundred and fifty

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

vs

C. J. Brenham, et al,

D. C. 398: L. C. 289.

In this case, on the application of P. Della Torre Esq, U. S. Attorney, made in open Court, it is ordered ~~by the Court~~ that an appeal in behalf of the United States from the final decision of this Court rendered in said cause at the December, 1886 term, be and the same is hereby granted; and that a certified transcript of the pleadings, evidence, depositions and proceedings in the said cause be sent to the Supreme Court of the United States without delay; and the appellants are ordered to serve the usual citation according to law.

Ogden Hoffman
U. S. District Judge

398.

United States District Court, Northern District of
California.

The United States

vs.

C. J. Brenham et al

ORDER.

granting appeal.

Filed *June 3,* 1858

W. H. Chiles
CLERK.

By

DEPUTY.

398 ND
PAGE. 116

United States of America, J:

To Charles J. Prentiss, Thomas L. Chapman,
John Hoskins, George G. Pope, for themselves,
and George G. Pope as Trustee for Overtown
Charles Pope and Frederick Pillings;
James R. Polton and Henry W. Halleck
as assignees of Jimmons Hutchinson He,
and the legal representatives of John
H. Warbas, deceased,

Greeting:

You are
hereby cited and admonished to be and appear at a Supreme
Court of the United States, to be holden in Washington on the
first Monday in December next, pursuant to an order
of appeal granted on the third day of June, A.D. 1858,
in open Court by the District Judge of the District Court
of the United States for the Northern District of California, in a
certain suit wherein the United States are plaintiffs and
you are defendants on appeal, to show cause, if any there
be, why the decision in the said appeal mentioned should
not be corrected, and speedy justice should not be done
to the parties in that behalf.

Witness my hand and seal at San Francisco, this
third day of June in the Year of our Lord one thous-
and eight hundred and fifty eight.

By the Court
District Judge

398 ND

PAGE 117

United States Marshals Office
Northern District of California

I hereby certify, that I received the within
Citation, and a true full and correct copy thereof
on the 3rd day of June A.D. 1858, and that I
personally served the same on the same day
on Henry W. Hallett of the law firm of Hallett
Peachy & Billings, attorneys for Appellees, by
delivering to him personally, a true full and
correct copy, of the within citation and exhibiting
the within Original to him at his office in
The City of San Francisco
San Francisco June 3rd 1858,

J. L. Solomon
U.S. Marshal
By John Williams
Deputy Marshal

398

N. S. District Court

The United States

v.

G. J. Penhance, et al.

Citation.

Filed June 4, 1858,
W. H. Cheney,
Clerk

398 ND

PAGE 118

At a Stated Term of the DISTRICT COURT OF THE
UNITED STATES OF AMERICA, for the Northern District of
California, held at the Court Room, in the City of SAN FRANCISCO,
on *Friday* the *third* day of
June in the year of our Lord one thousand
eight hundred and fifty-*nine*

398 ND
PAGE 119

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

C. J. Brenham et al

No 398

The attorney General of
of the United States having given notice that
appeal will not be prosecuted in this case,
and a stipulation to that effect having
been entered into by the U. S. Attorney:

On motion of Messrs
Halleck, Peabody and Billings attorneys for
claimants, it is ordered adjudged and
decreed that the appeal heretofore granted
herein on the part of the U. S. be vacated,
and that claimants have leave to
proceed under the decree of this Court
heretofore rendered in their favor as
under Final Decree

Ogden Hoffman
U. S. Dist Judge

398.

UNITED STATES DISTRICT COURT,
Northern District of California.

The United States

vs.

C. J. Breckinridge et al,

Order vacating appeal

Filed *June 3rd* 1859,

W. H. Cheves

CLERK.

By

DEPUTY.

Towne & Bacon, Printers, 125 Clay Street, corner Sansome.

U. S. District Court,
Nor District of Cal.

398 ND
PAGE 121

The United States

v.

C. J. Brenham, et al.

3
} No. 598.

San Francisco, June 3, 1859.

In pursuance of notice from the Attorney General of the United States dated April 29th 1859, it is hereby stipulated and agreed that the appeal heretofore granted to the United States herein be vacated, and that claimants have leave to proceed herein as under Final Decree.

P. Della Torre

U. S. atty

Walter Peachy Billings

Atty for Claimants

398

U. S. District Court

The United States

v.

C. J. Brenham et al

Stipulation

Filed June 3rd, 1859.

W. A. Chesnut,

Clerk.

N^o 398.

398 ND
PAGE 123

In the United States District Court
for the Northern District of California

Charles J. Brenham,
et al } L.C. 289.
Appellants }
vs } Lano Seco
The United States }
Appellees. }

On Motion of
of Attorneys of Claimants, in open Court,
the U.S. District Atty being present
and consenting thereto, it is hereby ordered
that the claimants' attorneys have permission
to withdraw from the file in this case for
the purpose of having the same recorded
in the proper County, the following original
papers, viz: Transfer Deed marked "A B"
from S. W. W. to E. A. Farnell, and
Transfer Deeds marked "C D" from Farnell
to S. Bidwell, and from Bidwell to Chap-
man and Warburton; by leaving in their
place copies duly certified by the Clerk
of this Court, the said originals to be
returned to the files as soon as they can
be recorded in the proper County or Coun-
ties.

Cyden Hoffmann
Deft Judge

No. 398

United States Dist. Court
Northern Dist. of California

C. J. Brenham et als
Appellants
vs

The United States
Appellees

Order allowing
certain original docs
to be withdrawn to
have same recorded,
etc.

Filed Nov: 17, 1860,

M. D. Chevers,
Clerk